

# INDEX.

[The plan or numbering the sections of the compilation consecutively from the beginning throughout the several codes, and the very full system of cross-references which has been adopted, will, it is believed, make this index especially appreciated by all who have occasion to consult the law of the territory. In its preparation, liberal use has been made of the index accompanying "Levisse's Dakota Codes," and the compilers desire to express their obligations thereto. The arrangement of all Definitions, Dates, Forms, Felonies, Misdemeanors, etc., together will facilitate reference very materially. The entries under Definitions, being arranged alphabetically, make them a sort of short index to the general topics in the various codes. The arrangement of all prescribed dates, consecutively from the beginning to the end of the year, will afford to each officer a reminder of the times at which particular duties are to be performed.]

|   | <i>Section.</i> |   | <i>Section</i> |
|---|-----------------|---|----------------|
| <b>ABANDONED</b> -Finder of thing not bound to keep for original owner..... | 3696            | <b>ABDUCTION</b> .-Continued.                 |                |
| bed of stream, owner of.....  | 3212            | of person out of territory.....               | 6214           |
| <b>ABANDONMENT</b> -cause for divorce.....                                  | 2559            | place of trial.....                           | 7103           |
| of husband by wife, relieves him from duty of support                       | 2596            | <b>ABOLISHED</b> -rule of strict construction |                |
| of child by parent, evidence of relin                                       |                 | of statutes.....                              | 4802           |
| quishment of control.....   | 2617            | distinction between principal and ac          |                |
| is a felony.....  | 6536            | cessory.....                                  | 7260           |
| of parent by child, relieves him from duty of support                       | 2614            | distinction between actions at law and        |                |
| <b>IN MARINE INSURANCE</b> .....  | 4226-4282       | suits in equity.....                          | 4830           |
| defined .....   | 4226            | feigned issues .....                          | 4832           |
| may be made in what cases.....  | 4227            | writ of injunction as a provisional rem       |                |
| at what time.....   | 4229            | edy.....                                      | 4984           |
| how.....  | 4231            | action of discovery.....                      | 5252           |
| must be absolute and total.....   | 4228            | writs of scire facias and quo warranto.....   | 5345           |
| when defeated.....  | 4230            | necessity for seal on instruments of          |                |
| notice of, oral or written.....   | 4231            | writing.....                                  | 3246           |
| what must contain.....  | 4232            | distinction between sealed and unseal         |                |
| sustained only on ground specified  |                 | ed instruments.....                           | 3549, 3246     |
| in notice.....  | 4233            | petit treason.....                            | 6440           |
| effect of.....  | 4234            | lineal and collateral warranties.....         | 3254           |
| insurer paying for total loss, entitled                                     |                 | dower and curtesy.....                        | 2594, 3402     |
| to.....   | 4235            | estates tail.....                             | 2736           |
| agents of insured act for insurer after.....                                | 4236            | nolle prosequi.....                           | 7654           |
| acceptance of, not necessary.....   | 4237            | <b>ABORTION</b> -producing.....               | 6538, 6451,    |
| not presumed from silence.....  | 4237            | 6452  |                |
| conclusive.....   | 4238            | Soliciting.....                               | 6539           |
| made and accepted, irrevocable.....   | 4239            | Penalty.....                                  | 6452           |
| to whom freightage belongs after.....                                       | 4240            | concealing still birth.. ....                 | 6540           |
| liability of insurer refusing to accept.....                                | 4241            | subjection not pleadable by a wife.....       | 6221, 6222     |
| not necessary to recover actual loss.....                                   | 4242            | <b>ABSCONDING DEBTOR</b> -property of         |                |
| total loss.....   | 4241            | may be attached.....                          | 4993           |
| terminates authority of master on be  |                 | <b>ABSENCE</b> -effect of upon marriage.....  | 2539           |
| half of owner.....  | 4021            | of defendant, effect of on limitation.....    | 4859, 7115     |
| (See Insurance.)  |                 | prevents trial for felony .....               | 7264           |
| <b>ABATEMENT</b> -of legacies.....  | 3383            | <b>ABSTRACT OF TITLE</b> -in partition        |                |
| of nuisance-does not impair claim for                                       |                 | Suits.....                                    | 5408, 5409     |
| damages.....  | 4686            | county treasurer to certify, when.....        | 641            |
| by whom made.....   | 4691            | <b>ACCEPTANCE-OF BILL OF EXCHANGE</b>         |                |
| by action.....  | 5465            | presentment for (See Presentment.)            | 4530-4536      |
| of action-not by death, marriage, or  |                 | .....   | 4525, 4529     |
| other disability.....   | 4881            | how made.....                                 | 4521, 4530     |
| not by transfer.....  | 4881            | must be absolute.....                         | 4531           |
| court may order, when.....  | 4881            | what may be received by holder as             |                |
| <b>ABDUCTION</b> -forbidden.....  | 3468            | sufficient.....                               | 4532           |
| offense against personal relations.....                                     | 2531            | by separate instrument, effect of.....        | 4533           |
| of woman and compelling to marry.....                                       | 6528            | promise to accept, when equivalent to.....    | 4534           |
| of female u   |                 | may be canceled, when.....                    | 4535           |
| nder fif teen years of age.....   | 6531            | what is admitted by.....                      | 4536           |
| punishment for.....   | 6531            | for honor.....                                | 4537-4541      |
|   |                 | may be made, when.....                        | 4537           |
|   |                 | holder not bound to receive.....              | 4538           |
|   |                 | how made.....                                 | 4539           |

# INDEX.

## Section.

|   |                 |
|---|-----------------|
| <b>ACCEPTANCE</b> -of bill of exchange for honor.-Continued.          |                 |
| how enforced.....   | 4540            |
| notice of dishonor, not excused by.....                               | 4541            |
| <b>OF PROPOSAL</b> to contract.....                                   | 3515            |
| how to be communicated.....   | 3516, 3517      |
| when complete.....  | 3518            |
| performance of conditions is.....                                     | 3519            |
| acceptance of consideration is.....                                   | 3519            |
| must be absolute.....   | 3520            |
| qualified, is new proposal.....                                       | 3520            |
| of benefit of transaction, effect of.....                             | 3524, 3972      |
| of part of thing sold, when necessary.....                            | 3615            |
| of guaranty, notice of, when necessary.....                           | 4278            |
| <b>ACCEPTOR</b> -of bill of exchange must write acceptance, how.....  | 4530            |
| bound by acceptance separate from bill, when.....                     | 4533            |
| may cancel acceptance, when.....                                      | 4535            |
| admits what, by acceptance.....                                       | 4536            |
| for honor, defined.....   | 4537            |
| duties and rights of.....   | 4539            |
| <b>ACCESSION</b> -To <b>REAL PROPERTY</b> .....                       | 3206-3212       |
| of fixtures.....  | 3206            |
| of alluvion.....  | 3207            |
| by removal of bank.....   | 3208            |
| islands formed in navigable streams.....                              | 3209            |
| by accumulation of earth.....   | 3210            |
| by change of river's course.....                                      | 3211            |
| ancient bed of river to indemnify,<br>when.....                       | 3212            |
| <b>TO PERSONAL PROPERTY</b> .....                                     | 3213-3221       |
| by union of several things.....                                       | 3213-3215       |
| by workmanship thereon.....   | 3216            |
| by formation of new thing.....  | 3217            |
| by admixture of materials.....  | 3218            |
| by wilful uses.....   | 3219            |
| <b>ACCESSORY</b> -thing passes with princi<br>pal.....                | 3243-4727       |
| lien is, in security.....   | 4341            |
| (See Easements-Incidents.)  |                 |
| <b>TO CRIME</b> -defined.....   | 6227            |
| none in misdemeanors.....   | 6228            |
| punishment of.....  | 6229            |
| local jurisdiction of.....  | 7106            |
| distinction between accessory and<br>principal abolished.....         | 7260            |
| tried as principal.....   | 7260            |
| may be indicted and tried without<br>principal.....                   | 7261            |
| requisites of indictment.....   | 7260            |
| <b>ACCIDENT</b> -error in contract caused<br>by, to be corrected..... | 3555            |
| deposit by, must be accepted.....                                     | 3660            |
| thing gained by, held in trust.....                                   | 3920            |
| new trial on ground of.....   | 5088            |
| (See Mistake.)  |                 |
| <b>ACCOMODATION INDORSER</b> -has the rights of a surety.....         | 4485            |
| (See Negotiable Instruments.)   |                 |
| <b>ACCOMPLICE</b> - testimony of must be corroborated.....            | 7384            |
| <b>ACCORD</b> -defined.....   | 3483            |
| effect of.....  | 3484            |
| acceptance of, is satisfaction.....                                   | 3485            |
| part performance accepted as.....                                     | 3486            |
| (See Satisfaction.)   |                 |
| <b>ACCOUNT</b> -employee must render.....                             | 3766            |
| for what trustee must.....  | 3930            |
| for what partner must.....  | 4038, 4050      |
| by assignee.....  | 4675            |
| by pledgee.....   | 4414            |
| by shipmaster.....  | 3804            |
| by guardian ad litem.....   | 4875, 4875,6052 |
| of executors and administrators.....                                  | 882-5907        |

## Section.

|  |                        |
|--|------------------------|
| <b>ACCOUNT</b> .-Continued.  |                        |
| of guardians.....  | 6005, 6007             |
| by person holding property of decedent,<br>how compelled.....                  | 5777                   |
| of appraisers for services.....  | 5764                   |
| of agent for absent party.....   | 5944                   |
| cause of action on, accrues, when.....   | 4854                   |
| limitation.....  | 4850                   |
| how pleaded.....   | 4923                   |
| copy to be furnished when required.....  | 4923                   |
| further maybe ordered by the court.....  | 4923                   |
| reference to take.....   | 5070,5025              |
| of property of corporations.....   | 5359                   |
| false by public officer.....   | 6698                   |
| by officer of corporation.....   | 2929                   |
| <b>ACCRETIONS</b> -(See Accession.)  |                        |
| <b>ACCUMULATIONS</b> of income-certain<br>allowed.....                         | 2722                   |
| all other void.....  | 2721                   |
| void direction for, does not vitiate<br>the remainder of the instrument.....   | 2723                   |
| certain allowances may be made out<br>of.....                                  | 2724                   |
| <b>ACCUSATION</b> -(See Attorney.).....  | 474-480                |
| against civil officers.....  | 387-1391               |
| <b>ACKNOWLEDGMENT</b> of certificate of<br>Marriage.....                       | 2551                   |
| of indenture of apprenticeship.....  | 2666                   |
| of consent to transfer of indenture.....                                       | 2673                   |
| of execution of power by married<br>women.....                                 | 2832                   |
| of consent to execution of power.....  | 2841                   |
| of instrument, necessary to its record.....                                    | 3269                   |
| who may take.....  | 3277-3280              |
| officer must know person making.....   | 3281                   |
| by married woman.....  | 3282                   |
| action to correct when defective.....  | 3289                   |
| certificate of.....  | 3287                   |
| certificate to be annexed to-form of.....                                      | 3288                   |
| powers of officers taking.....   | 3290                   |
| fees for taking.....   | 1434                   |
| (;See Proof of Instruments.)   |                        |
| of certificate of formation or change of<br>special partnership.....           | 4075                   |
| of assignment for benefit of creditors.....                                    | 4664                   |
| of power of attorney, when.....  | 4354, 4354,4355        |
| by deputy sheriff to sheriff's deed.....                                       | 5162, 5163             |
| <b>ACQUIESCENCE</b> --removes objection.....                                   | 4703                   |
| <b>ACQUISITION</b> -of property.....   | 3203-3420              |
| (See Accession - Occupancy-Succession<br>Transfer-Will.)                       |                        |
| <b>ACQUITTAL</b> -under foreign law is a de<br>fense.....                      | 6937                   |
| is a bar, when jurisdiction is in more<br>than one county.....                 | 7107, 7107,7108        |
| former is a bar to further prosecution.....                                    | 7310                   |
| what is not.....   | 7308, 7309, 7387, 7388 |
| by court or jury prisoner discharged.....                                      | 7436                   |
| of one or more of several defendants.....                                      | 7259                   |
| court may advise, when.....  | 7396                   |
| verdict of, once rendered, not recon<br>sidered.....                           | 7431                   |
| verdict on plea of former.....   | 7421                   |
| form of plea of.....   | 7303                   |
| on informal verdict, when.....   | 7433                   |
| <b>ACTION</b> -for real property, when may be<br>Maintained.....               | 2759,2768,2769         |
| for enforcement of easement, by whom<br>d maintainable.....                    | 2769                   |
| for injury to inheritance, who may<br>maintain.....                            | 2780                   |
| to correct defective certificate of ac<br>knowledgegment.....                  | 3289                   |
| relating to special partnership-special<br>partner not necessary party to..... | 4085                   |

# INDEX.

## Section.

### ACTION.-Continued.

|   |                  |
|---|------------------|
| classified-civil and criminal .....                   | 4813             |
| CIVIL-defined .....                                   | 4811             |
| but one form of .....                                 | 4830             |
| commenced by service of summons .....                 | 4892,4902        |
| by issuance of summons in attachment .....            | 4993             |
| by filing lis pendens, how .....                      | 4897             |
| by allowing provisional remedy .....                  | 4904             |
| by delivery of summons to sheriff, when .....         | 4858             |
| jurisdiction of, when deemed acquired .....           | 4904             |
| may be consolidated, when .....                       | 5342             |
| when deemed pending .....                             | 5343             |
| within what time to be commenced .....                | 4833,4869        |
| not merged in criminal .....                          | 4816             |
| parties to .....                                      | 4870-4882        |
| where to be brought .....                             | 4888-4891        |
| where to be tried. (See Place of Trial).              |                  |
| manner of commencing .....                            | 4892-4904        |
| pleadings in .....                                    | 4905-4942        |
| incidental notices accompanying action .....          | 4897,4898        |
| how affected by death of party .....                  | 4881,4884,5376   |
| not prejudiced by assignment .....                    | 4871             |
| by alienation of object pendente lite .....           | 5462             |
| by change of name .....                               | 5557,5558        |
| of discovery abolished .....                          | 5252             |
| substitution for writ of scire facias, etc .....      | 5345             |
| may be consolidated, when .....                       | 5342             |
| of foreclosure on real property .....                 | 5430-5448        |
| on chattels .....                                     | 5496,5497        |
| to abate a nuisance .....                             | 5465             |
| of damage for waste .....                             | 5466             |
| for injury by railroad .....                          | 5498, 5498,5504  |
| of bastardy .....                                     | 5560             |
| for trespass of animals .....                         | 5569-5576        |
| for partition of real property .....                  | 5362-5410        |
| when may be continued .....                           | 5384             |
| to determine conflicting claims to real estate .....  | 5449-5464        |
| for intrusion into office .....                       | 5348-5356        |
| to forfeit charter of corporation .....               | 5346-5347        |
| to recover personal property .....                    | 5099             |
| may be divided .....                                  | 4937             |
| causes of, how may be joined .....                    | 4932             |
| on judgment, when and how .....                       | 4831             |
| to recover a forfeiture, limitation .....             | 4885             |
| local jurisdiction of .....                           | 4889             |
| (See Special Proceedings.)                            |                  |
| in probate court to set aside probate sale .....      | 5856             |
| right of, reserved to heirs and others, when .....    | 5904             |
| by or against executors or administrators .....       | 5860-5870        |
| by administrator for his own claim, how brought ..... | 5808             |
| on rejected claim against the estate .....            | 5796             |
| presentation of, condition precedent .....            | 5798             |
| by administrators and executors, when .....           | 5774, 5862, 5865 |
| (See Probate Court.)                                  |                  |
| in justice's court-where to be commenced and tried .  | 6044             |
| transfer of, for cause .....                          | 6045, 6046, 6047 |
| court to which transferred, takes jurisdiction .....  | 6048             |

## Section.

### ACTION. civil, in justice's court-Continued.

|   |                 |
|---|-----------------|
| involving title or boundary of lands, transferred to district court ..... | 6049            |
| commenced by issuing summons, or voluntary appearance of defendant .....  | 6050            |
| judgment without prejudice to new action, when .....                      | 6103            |
| to recover personal property, judgment entered how .....                  | 6106            |
| (See Justice's Court-Special Proceedings.)                                |                 |
| CRIMINAL-defined .....  | 7032, 4814      |
| how prosecuted .....  | 7033            |
| time of commencing .....  | 7113-7116       |
| code of criminal procedure applies to .....                               | 7662            |
| party accused denominated defendant .....                                 | 7034            |
| jurisdiction of, original .....   | 7039-7043       |
| appellate .....   | 7042            |
| local .....   | 7096-7112       |
| for penalties under habeas corpus act .....                               | 7855            |
| is not a bar to civil suit for damages .....                              | 7856            |
| rights of the defendant .....   | 7035            |
| but one prosecution .....   | 7036            |
| defendant cannot be compelled to testify against himself .....            | 7037            |
| conviction made, how .....  | 7038            |
| jurisdiction of district court .....                                      | 7039-7042       |
| of justices of the peace .....  | 7043            |
| how prosecuted in district court .....                                    | 7188            |
| pleadings in (See Pleadings.) .....                                       | 7239-7262       |
| change of venue (See Place of Trial.) .....                               | 7312-7318       |
| trial (See Trial, Criminal Actions.) .....                                | 7370-7408       |
| bills of exceptions (See Exceptions, in Criminal Action.) .....           | 7439-7448       |
| arrest of judgment (See Judgment, in Criminal Actions.) .....             | 7452-7454       |
| new trials (See New Trials, in Criminal Actions.) ...                     | 7449, 7449,7450 |
| judgment (See Judgment, in Criminal Actions.) .....                       | 7455-7473       |
| execution (See Execution, in Criminal Actions.) .....                     | 7474-7498       |
| writ of error (See Writ of Error, in Criminal Actions.) .....             | 7499-7525       |
| depositions (See Depositions.) .....                                      | 7540-7563       |
| against corporations (See Corporations, Criminal Actions Against.)        |                 |
| bail (See Bail.)  |                 |
| remedy by, not merged in civil .....                                      | 4816            |
| on bond to keep the peace .....   | 7063            |
| for removal of civil officers .....                                       | 7080-7095       |
| dismissal of .....  | 7649-7655       |
| may be dismissed before indictment, when .....                            | 7649            |
| if not brought to trial at term succeeding finding of indictment .....    | 7650            |
| court may order continuance for cause .....                               | 7651            |
| if action is dismissed defendant is discharged .....                      | 7652            |
| reasons for dismissal set forth in order .....                            | 7653            |
| nolle prosequi abolished .....  | 7654            |
| dismissal is not a bar to second prosecution .....                        | 7655            |
| venue, change of (See Venue.)   |                 |
| ACT OF GOD (See Superhuman Cause.)  |                 |
| ADEMPMENT-of legacy, advancement or gift deemed, when .....               | 3377            |
| ADJOURNMENT-of court-pending consultation of jury .....                   | 5057, 7416      |

# INDEX

Section

## ADJOURNMENT-of court: *Continued*

|                                      |                  |
|--------------------------------------|------------------|
| final-discharges trial jury .....    | 5057, 7416       |
| discharges grand jury.....           | 7210             |
| of district court by clerk when..... | 442              |
| of justice's court, limited.....     | 6077, 6084, 6088 |
| in criminal matters.....             | 6155             |
| of trial of criminal action .....    | 7336             |
| of examination of offenders .....    | 7165             |
| of execution sale.....               | 5154             |
| of legislature, compelling.....      | 6316             |
| of polls for dinner.....             | 1459             |

## ADMINISTRATOR-(See Executor and Administrator-Succession.)

## ADMISSIONS-allegations not contro

|   |            |
|---|------------|
| verted deemed admitted.....               | 4933       |
| of service of summons.....                | 4903       |
| of part of plaintiff's claim.....         | 5023       |
| of counter-claim.....                     | 5025       |
| of genuineness of papers.....             | 5250       |
| <b>ADOPTION OF CHILD</b> -in general..... | 2622-2632  |
| when allowed .....                        | 2622       |
| may be made by whom.....                  | 2623       |
| consent-of parents, when necessary.....   | 2625       |
| of child, when necessary.....             | 2626       |
| order of probate judge necessary.. ..     | 2627, 2628 |
| effect of upon relations of parties.....  | 2629, 2630 |
| of illegitimate.....                      | 2631       |

## ADULTERATION-of food and drink,

|                              |      |
|------------------------------|------|
| penalty for.....             | 2264 |
| of drugs and chemicals ..... | 229  |

## ADULTERY-definition of .....

|  |      |
|--|------|
| punishment.....                          | 6535 |
| divorce on account of (See Divorce.).... | 2559 |

## ADVANCEMENT- regulations regarding.....

|                       |      |
|-----------------------|------|
| what is deemed.....   | 3413 |
| what included in..... | 3411 |
| effect of.....        | 3414 |

## ADVANTAGE-unfair, when fraudulent .....

|  |      |
|--|------|
| to heirs-considered on distribution.....         | 5940 |
| <b>ADVANTAGE</b> --unfair, when fraudulent. .... | 3508 |
| when a sign of undue influence.....              | 3510 |

(See Fraud- Trust- Trus tee- Undue Influence.)

## ADVERSE POSSESSION-defined.....

|   |      |
|---|------|
| grant of real property in void, except..... | 3303 |
| mortgage may be created on propertyin.....  | 4352 |

## AFFIDAVIT-defined.....

|  |      |
|--|------|
| how made and verified.....                       | 5282 |
| how used.....                                    | 5281 |
| not necessary to be entitled in civilaction..... | 534  |
| same, in criminal action .....                   | 7587 |
| for order for publication of summons .....       | 4900 |
| to prove service of summons.....                 | 4903 |
| by publication.....                              | 5304 |
| of subpcena .....                                | 5261 |
| to verify pleadings.....                         | 4922 |
| account .....                                    | 4923 |

for order of arrest must be either posi

|   |            |
|---|------------|
| tive or on information and belief.....          | 4947, 5174 |
| of plaintiff in arrest as to qualification..... | 4948       |
| opposed by, in arrest and bail, when.....       | 4971       |
| of plaintiff in claim and delivery.....         | 4982       |
| by third person claiming property.....          | 4982       |
| of sureties, to sheriff, in claim and de        |            |

|  |      |
|--|------|
| livery.....                                      | 4982 |
| for injunction.....                              | 4986 |
| in injunction, may be opposed by affidavits..... | 4992 |
| in attachment, requisites of .....               | 4995 |
| t9 traverse certificate of garnishee.....        | 5005 |

## AFFIDAVIT.-Continued.

|   |      |
|---|------|
| in support of objections to referees.....               | 6075 |
| for new trial .....                                     | 5089 |
| in support of motion for execution.....                 | 5111 |
| as to indebtedness of debtor's debtor.....              | 5176 |
| of debtor as to his personal earnings.....              | 5179 |
| to verify costs.....                                    | 5197 |
| of sureties on appeal bond.....                         | 5232 |
| of judgment creditor attached to sum<br>mons, when..... | 5242 |
| taken by referee, when.....                             | 5324 |
| to extend time for pleading.....                        | 5326 |
| abstract verified by.....                               | 5409 |

|                                  |      |
|----------------------------------|------|
| mons, when.....                  | 5242 |
| taken by referee, when.....      | 5324 |
| to extend time for pleading..... | 5326 |
| abstract verified by.....        | 5409 |

of publication of notice and sale for

|  |            |
|--|------------|
| record in foreclosure of mortgage..... | 5425, 5426 |
| for certiorari .....                   | 5508,7513  |
| for mandamus.....                      | 5518       |
| for writ of prohibition.....           | 5531       |
| to verify confession of judgment.....  | 5538       |

|                                       |      |
|---------------------------------------|------|
| to verify confession of judgment..... | 5538 |
| reality and good faith in submission  |      |
| of controversy.....                   | 5540 |

is prima facie proof of identity of per

|   |            |
|---|------------|
| son, when.....                                    | 5719       |
| of sureties on bonds in all cases.....            | 5731       |
| to prove notice by publication.....               | 5789       |
| to support claim presented by administrator ..... | 5791,5808  |
| in support of return of sale made .....           | 5858       |
| to postpone trial injustice's court.....          | 6087       |
| of publication of partnership.....                | 4079       |
| false administering-misdemeanor.....              | 6382, 6383 |
| entitling of, not necessary.....                  | 7587       |

|  |           |
|--|-----------|
| of sureties on bonds in all cases.....           | 5731      |
| to prove notice by publication.....              | 5789      |
| to support claim presented by administrator..... | 5791-5808 |

|  |           |
|--|-----------|
| of witness.....                                      | 7542      |
| for commission to take testimony.....                | 7553      |
| <b>AFFIRMATION</b> -in lieu of oath.....             | 488       |
| included in the term oath .....                      | 4760,7660 |
| substitute for oath.....                             | 7335      |
| <b>AGE</b> -of majority.....                         | 2509      |
| of qualified elector.....                            | 1486      |
| <b>AGENCY</b> -defined 3960 parties to, defined..... | 3961,3962 |
| actual, defined .....                                | 3964      |
| ostensible, defined .....                            | 3965      |
| how created.....                                     | 3969      |
| orally, or by writing .....                          | 3971      |
| by ratification.....                                 | 3972-3974 |
| authority conferred by.....                          | 3977      |
| actual .....   | 3978      |
| ostensible .....                                     | 3979      |
| extent of .....                                      | 3980-3988 |
| obligations of parties to.....                       | 3989-3998 |
| rights of third persons under .....                  | 3989-4002 |
| delegation of.....                                   | 4003-4005 |
| how terminated in all cases .....                    | 4006-4007 |
| where agent has no interest .....                    | 4007      |

(See Agent- Authority- Auctioneer- Factor- Principal- Ratification- Shipmaster-Ship's Manager.)

|                                     |           |
|-------------------------------------|-----------|
| <b>AGENT</b> -defined.....          | 3960      |
| who may appoint.....                | 3961      |
| who may be.....                     | 3961      |
| special, defined.....               | 3962      |
| general defined.....                | 3962      |
| actual, defined.....                | 3964      |
| ostensible, defined.....            | 3965      |
| authority of .....                  | 3966-3988 |
| may extend to what.....             | 3967      |
| to defraud principal .....          | 3968      |
| precedent.....                      | 3969      |
| subsequent.....                     | 3969      |
| consideration not necessary to..... | 3970      |

# INDEX.

|  |                 |  |                  |
|--|-----------------|--|------------------|
| <i>Section.</i>  |                 |  |                  |
| <b>AGENT</b> -authority of- <i>Continued.</i>                  |                 | none but certain specified warranties                      |                  |
| oral, when sufficient  | 3971            | implied in   | 3628             |
| in writing, when necessary                                     | 3971            | may be rescinded for breach of war                         |                  |
| by ratification, how given                                     | 3972            | ranty  | 3645             |
| partial, when total  | 3973            | with warranty may be rescinded for                         |                  |
| when valid or not  | 3974            | refusal of leave to inspect                                | 3644             |
| to prejudice of third person                                   | 3975            | to sell, defined   | 3608             |
| may be rescinded, when   | 3976            | to buy, defined  | 3609             |
| extent of  | 3977            | to sell and buy, defined                                   | 3610             |
| actual, defined  | 3978            | when amounts to conspiracy                                 | 6427             |
| ostensible. defined  | 3979            | <b>AGRICULTURAL COLLEGE AND EXPERIMENTAL</b>               |                  |
| how far implied  | 3980            | <b>STATION</b> -government of                              | 312              |
| special restrictions upon, effect of...                        | 3981            | board of regents-how constituted                           | 313              |
| to disobey instructions  | 3982            | organization of  | 314              |
| general, how limited   | 3983, 3983,3984 | election of officers                                       | 314              |
| to sell personal property, effect of                           | 3985            | meetings and compensation                                  | 315              |
| real property, effect of                                       | 3986            | powers   | 316              |
| when gives power to receive price....                          | 3987            | biennial report to governor                                | 325              |
| represents principal, how far                                  | 3989            | president and faculty-appointment of                       | 316              |
| acts of, bind principal, when                                  | 3990-3998       | powers   | 320,321          |
| deemed to have notice of what                                  | 3991            | annual report of faculty                                   | 324              |
| when principal exonerated by paymentto                         | 3994            | name and object of college                                 | 318              |
| when person dealing with, may set off claims against           | 3995            | course of instruction                                      | 318,319          |
| principal responsible for negligence of, when                  | 3996            | claims, how audited  | 317              |
| for wrongful acts of, when                                     | 3997            | wages of students, how fixed                               | 373              |
| when not   | 3998            | degrees, how conferred                                     | 326              |
| may delegate powers, when                                      | 4003            | experimental station, establishment of                     | 328              |
| employment of sub-agent by, effect of.                         | 4004            | assent of legislature to act of oongress                   | 329              |
| responsible for sub-agent, when                                | 4004            | <b>AGRICULTURAL FAIR CORPORA-</b>                          |                  |
| when not   | 4005            | <b>TIONS</b> -may be formed                                | 3163-3165        |
| obligations of, to third persons ....                          | 3999-4002       | (See Corp orations.)                                       |                  |
| as to warranty of authority                                    | 3999            | <b>AGRICULTURE, DEPARTMENT OF</b> -creation....            | .                |
| as principal in certain cases                                  | 4000            |  | 177              |
| to surrender property to true                                  |                 | two districts established                                  | 177              |
| owner  | 4001            | district boards-members of, how chos                       |                  |
| when incapable of contracting                                  | 4002            | en   | 177              |
| to principal   | 3787-3790       | meetings   | 177              |
| to conform to authority  | 3787            | general powers   | 181,182          |
| to inform of his acts  | 3788            | reports to governor  | 184,185          |
| as to collection of bills, &c                                  | 3789            | may appoint special police                                 | 186              |
| to principal of principal                                      | 3790            | compensation   | 191              |
| power of, how terminated                                       | 4006, 4006,4067 | one member is ex-officio member of                         |                  |
| auctioneer as, (See Auctioneer.)                               | 4008            | board of regents of agricultural col                       |                  |
| factor as, (See Factor.)                                       | 4010            | lege   | 313              |
| shipmaster as, (See Shipmaster).. ..                           | 4013            | secretary and treasurer, appointment                       |                  |
| ship's manager as, (See Ship's mana                            |                 | of   | 178,179          |
| ger.)  | 4025            | district fairs ... ..                                      | 182              |
| partner as, (See Partner-Partner                               |                 | appropriation in aid of                                    | 183              |
| ship.)...  | 4044            | penalty-for trespassing on grounds.                        | 187              |
| trustee as, (See Trustee.)                                     | 3946            | for selling liquor   | 188              |
| insurance by, how to be made                                   | 4144            | definition of "fair  | 190              |
| indemnity extends to acts of, when                             | 4265            | <b>AIDING</b> -escape of prisoner                          | 6342-6345        |
| duties of, in giving notice of dishonor                        | 4506            | suicide  | 6431, 6432, 6436 |
| damages for breach of warranty of                              |                 | attempt to commit  | 6433             |
| authority of   | 4598            | persons, all principals                                    | 6226             |
| may verify pleading if action is based upon written instrument | 4922            | in a horse race  | 6602             |
| of non-resident heirs  | 5941-5946       | in a duel  | 6497             |
| executor, administrator or guardian..                          | 5725            | in a misdemeanor, liable as a principal                    | 6940             |
| of foreign corporation to accept service                       |                 | to conceal person entitled to habeas corpus                | 6429,6631        |
| of process ..  | 3192,           | <b>ALDERMEN</b> (See Cities.)                              |                  |
| <b>AGGRAVATION</b> -of punishment, evidence                    |                 | <b>ALIAS WRITS</b> -when issued                            | 5147             |
| of circumstances in  | 7467-7469       | in case of persons imprisoned for debt.                    | 5550             |
| <b>AGREEMENT</b> -in general. (See Contract.)                  |                 | <b>ALIEN</b> -may hold property                            | 2686             |
| for sale, defined..  | 3608            | may take by succession                                     | 3417             |
| what may be subject of   | 3611            | enemy-how affected by limitation in commencement of action | 4862             |
| must be in writing, when                                       | 3615-3617       | <b>ALIENAGE</b> -of relative does not affect               |                  |
| when title passes by   | 3258            | right of succession  | 3417             |
| <i>Section.</i>  |                 | <b>ALIENATION</b> , suspension of power of...              |                  |
| <b>AGREEMENT</b> -for sale.- <i>Continued</i>                  |                 |  | 2717, 2719,2744  |

# INDEX.

## Section.

### ALIENATION.-Continued.

|   |                  |
|---|------------------|
| in case of persons imprisoned for debt  | 5462             |
| time of, how computed   | 2719             |
| power of, cannot be suspended during more than two lives of persons in being                | 2717-2745        |
| interest suspending, void   | 2718             |
| disposition of income during suspension of  | 2726             |
| how may be suspended by remainder. of intermediate interest does not defeat future interest | 2745             |
| certain restraints. upon, void (See Transfers.)   | 2729             |
| ALIMONY-when court may grant.   | 2716             |
| how enforced  | 2582, 2584       |
| ALLEGATIONS-deemed true when not controverted   | 2585             |
| when and how controverted   | 4933             |
| when deemed controverted  | 4914             |
| ALLOWANCE-to surviving wife, child or husband   | 4933, 5523       |
| under will  | 5782-5784        |
| how and when paid   | 5843-5845        |
| for support of minor, when  | 5821-5911        |
| for divorced wife and children (See Alimony)  | 5993             |
| ALLUVION-who entitled to  | 2583-2585        |
| ALTERATION -of instrument may be made by consent  | 3207             |
| by written contract or executed oral agreement  | 3592             |
| contract extinguished by  | 3593             |
| in duplicate, effect of   | 3594, 3594, 3595 |
| of obligation, exonerates guarantor   | 3596             |
| of anothers vote-misdemeanor  | 4290-4292        |
| of draft of bill  | 6261             |
| of engrossed copy of bill   | 6319             |
| of judicial and public records  | 6320             |
| of land marks   | 6348, 6348, 6349 |
| (See Contracts.)  | 6900             |
| ALTERNATIVE-obligation, who has right of selection under                                    | 3436             |
| notice of selection under, to be given  | 3437             |
| how selection must be made under.   | 3438             |
| effect of nullity of one branch of...   | 3439             |
| how far negotiable instrument may be in   | 459              |
| AMBASSADORS-not punishable in this territory  | 6224             |
| AMENDMENTS-party may amend once, of course  | 4937             |
| in case of material variance  | 4934             |
| when variance is not material   | 4935             |
| at discretion of court after demurrer is sustained  | 4937             |
| court may amend before or after judgment-terms  | 4938             |
| to make pleadings certain   | 4925             |
| to process before or after judgment...  | 4938             |
| of proceedings before or after judgment   | 4938             |
| after time limited, to obviate mistakes, etc  | 4939             |
| error of name corrected at any time....   | 4940             |
| trivial errors disregarded  | 4935, 4941       |
| by supplemental pleadings   | 4942             |
| in taking appeal  | 5235             |
| must be served same as original....   | 4931, 4937       |
| opposition to probate wills, time for...  | 5671             |
| in taking appeal  | 5978             |
| how and when allowed in justice's court   | 6065, 6066, 6083 |

## Section.

### ANIMALS-when subjects of owner

|  |                  |
|--|------------------|
| ship   | 2676, 2677       |
| duties-of depositary of                                | 3670             |
| of borrowers of  | 3701             |
| damages for injuries to                                | 4607             |
| killing, maiming or torturing                          | 6885             |
| abuse of, how punished                                 | 6886             |
| promoting fights between                               | 6887             |
| keeping house or pit for fighting                      | 6888             |
| (See Domestic Animals-Estrays-Trespass of Animals.)    |                  |
| ANSWER-requisites of                                   | 4914, 4914, 4933 |
| when and how to be verified                            | 4921, 4921, 4922 |
| to be subscribed by party or attorney..                | 4921             |
| may deny in part or wholly                             | 4914-4916        |
| all objections not demurrable taken by                 | 4912-4916        |
| limitations pleaded by, only                           | 4833             |
| may set up new matter (counter claim)                  | 4914, 4915       |
| -sham and frivolous stricken out....                   | 4917, 4917, 5026 |
| maybe stricken out on refusal to testify               | 5257             |
| allegations of, when deemed admitted..                 | 4933             |
| several defenses may be pleaded in....                 | 4915             |
| when to be served                                      | 4893, 4908       |
| delay may be extended, when                            | 4939, 4939, 5326 |
| to amended complaint- same                             | 4911             |
| how, by whom and where served                          | 4893             |
| supplemental delay for serving                         | 4937             |
| omission, effect of                                    | 4911             |
| in mandamus  | 5521, 5523       |
| in habeas corpus                                       | 7851             |
| judgment on, when                                      | 4919             |
| in action for partition of real property.              | 5368             |
| for libel or slander                                   | 4938             |
| for possession of property distrained.                 | 4931             |
| account, how pleaded in                                | 4923             |
| judgment, how pleaded in                               | 4926             |
| conditions precedent, how pleaded in..                 | 4927             |
| private statute, how pleaded in                        | 4928             |
| what maybe pleaded in after judgment                   | 5243             |
| objections not pleaded in deemed waived                | 4913             |
| in justice's court, contents of (See Justice's Court.) | 6062             |
| to indictment, time for                                | 7281             |
| how made   | 7286             |
| to accusation against attorney                         | 475              |
| in probate court (See Probate Court.)                  |                  |
| ANNULMENT-of marriage. (See Divorce.)                  |                  |
| APOTHECARY. (See Druggist.)                            |                  |
| APPAREL-exempt from execution                          | 5127             |
| from taxation  | 1543             |
| wearing, to be delivered to surviving wife or husband  | 5778             |
| APPARATUS-gambling, keeping of prohibited              | 6590             |
| punishment for   | 6591             |
| public nuisance  | 6592             |
| APPEALS-from district court                            | 5213-5239        |
| may be taken to supreme court, when                    | 5213             |
| writ of error not necessary                            | 5214             |
| method of appeal                                       | 5215             |
| limitation of time in which appeal may be taken        | 5216             |
| transmission of papers by clerk                        | 5217             |
| undertaking on appeal-deposit in stead of              | 5218             |
| respondent may waive                                   | 5218             |
| execution of   | 5219             |
| none required of territory or municipal corporation    | 5219 5219, 5229  |
| additional required on stay of execution               | 5220, 5227       |

# INDEX.

|   | Section.        |   | Section.        |
|---|-----------------|---|-----------------|
| <b>APPEAL</b> -undertaking continued in cases of attachment or injunction | 5228            | <b>APPORTIONMENT</b> .-Continued.   |                 |
| new required in case of insolvency  |                 | of legislative representation   | 2649            |
| of sureties   | 5230            | <b>APPRENTICE</b> -not to be restricted from carrying on business in any particular place | 2671            |
| sureties must justify   | 5232            | <b>APPRENTICESHIP</b> --who may enter into  | 2656            |
| what constitutes breach of  | 5234            | whose consent is necessary to   | 2657            |
| liability of surety-referee may determine                                 | 5234            | parent, etc., when liable for breach for contract of                                      | 2658            |
| stay of execution on appeal   | 5220-5227       | of pauper child   | 2659            |
| proceedings on appeal may be amended                                      | 5235            | of Indian child   | 2660            |
| what orders reviewable by supreme court                                   | 5236, 5236,5237 | what must be stated in indenture of.  | 2661-2663       |
| powers of supreme court on appeal..                                       | 5238            | indenture of, when to be filed  | 2664            |
| limitation as to time of new trial ordered by supreme court               | 5239            | of immigrant minor, how made  | 2665            |
| in probate court. (See Probate Court.)                                    |                 | indenture of, to be acknowledged....  | 2666            |
| in justices' courts. (See Justices' Courts.)                              |                 | how assigned..  | 2667            |
|   | 6129-6136       | indenture of, not binding, unless in conformity to law                                    | 2668            |
| from decisions of county commissioners                                    | 610-614         | assignment of   | 2673, 2673,2674 |
| to supreme court of election contest.                                     | 1497,1498       | penalty for breach of   | 2670            |
| to district court in case of townsites located on public lands            | 1172-1176       | (See Master and Servant.)   |                 |
| for location of ditch by supervisors....                                  | 1338            | <b>APPROPRIATION</b> -of payments   | 3457            |
| in road cases   | 1324-1328       | <b>APPURTENANCES</b> -of land, what of ship, what   | 2682            |
| maybe taken from supervisors in relation to town line roads               | 1310            | (See Easements-Servitudes.)   | 2879            |
| <b>APPEAR</b> -that which does not, deemed not to exist                   | 4717            | <b>ARBITRATION</b> - agreement for, not specifically enforced                             | 4632            |
| <b>APPEARANCE</b> -of parties in justices' courts                         | 6054-6057       | <b>ARRAIGNMENT</b> -of defendant  | 7263-7282       |
| of parties interested, waives notice                                      | 5667            | how made  | 7277            |
| time for in forcible entry and detainer (See Justices' Court)             | 6077            | defendant to give true name   | 7278            |
| of corporations in criminal actions                                       | 7585            | when no other name given  | 7276            |
| is equivalent to personal service of summons                              | 4904            | if true name given  | 7279            |
| entitles defendant to notice, when  | 5025            | if for felony, defendant must be present  | 7265            |
| failure of, waives jury, when   | 5065            | must be brought into court  | 7264            |
| voluntary, and pleading begins the action...                              | 6050            | given time to answer  | 7281            |
| may be by attorney  | 6052            | may move to set aside, demur or plead   | 7282            |
| of infant by guardian   | 6052            | (See Indictment-Demurrer-Pleas.)  |                 |
| time allowed for  | 6054, 6054,6055 | <b>ARREST -IN EXECUTION OF JUDGMENT</b> ..  | 5113            |
| one hour of grace for, on trial   | 6057            | when may be had, conditions   | 5115, 5115,5174 |
| <b>APPLICATION</b> -of payments   | 3457            | may be discharged at any time by plaintiff.   | 5552            |
| of money by trustee, who must see to..                                    | 3934            | application of debtor for discharge   | 5185,5544       |
| of security to payment of debt may be compelled, when                     | 4311            | notice of on whom served  | 5545            |
| to vacate injunction, how made  | 4991            | may be heard at chambers  | 5546, 5546,5547 |
| for discharge from imprisonment..   | 5544, 5545      | discharge of prisoner does not discharge judgment   | 5550            |
| to supreme court to settle bill of exceptions                             | 5085            | second application for discharge on the ground of newly discovered evidence               | 5554            |
| to waive judgment   | 4882            | plaintiff must advance costs  | 5553            |
| to make new parties   | 4884            | discharge by judge, certificate of effect of, forever exempt                              | 5549            |
| to stay trial-when punishable   | 6403            | discharge by payment includes costs.  | 5555            |
| for new trial before judgment in criminal action                          | 7451            | appeal from order of judge  | 5555            |
| for certiorari  | 7513            | <b>IN CRIMINAL PROCEEDINGS</b> -defined   | 7138            |
| habeas corpus   | 7839            | made by whom  | 7139            |
| <b>APPOINTMENT</b> -of trustee, how made (See Trustee.)                   | 3957, 3957,3959 | aid of officer making arrest  | 7140            |
| to office-buying  | 6307            | when made, if felony  | 7141            |
| selling   | 6308            | when made, if misdemeanor   | 7141            |
| of deputies   | 1397-1400       | how made  | 7142            |
| to fill vacancies   | 1392-1396       | what restraint justifiable  | 7143            |
| <b>APPORTIONMENT</b> -of covenant running with land                       | 3450            | warrant must be shown   | 7144            |
| of consideration in case of prevention of performance                     | 3481            | force used when defendant resists....   | 7145            |
| of hire of property   | 3736            | officer may break open door to liberate person confined with in..                         | 7146            |
| of freightage   | 3868            | made without warrant, when  | 7147            |
|   |                 | may break door to make arrest with out warrant  | 7148            |
|   |                 | at night, without warrant   | 7149            |
|   |                 | when without warrant, officer must state his authority                                    | 7150            |
|   |                 |   | 7151            |

# INDEX.

|   | Section.               |   | Section.         |
|---|------------------------|---|------------------|
| <b>ARREST</b> -in criminal proceedings- <i>Continued.</i> |                        | <b>ARSON</b> - <i>Continued.</i>              |                  |
| made by by-stander  | 7152                   | ownership of building not material....        | 6722             |
| when offense is committed in pres                         |                        | appurtenances to buildings                    | 6729             |
| ence of magistrate  | 7153                   | owner or occupant need not be des             |                  |
| private person may make, when....                         | 7154                   | ignated                                       | 6723             |
| must inform person arrested of the cause                  | 7155                   | malice is inferred                            | 6724             |
| may break door  | 7156                   | when no intent to destroy                     | 6725             |
| must deliver prisoner to peace offi                       |                        | contiguous buildings                          | 6726             |
| cer   | 7157                   | degrees of                                    | 6727             |
| offensive weapons taken from person                       |                        | first   | 6728             |
| arrested  | 7158                   | second  | 6730,6731        |
| re-arrest of an escape                                    | 7160                   | third   | 6732,6733        |
| may break open door or window to                          |                        | fourth ...                                    | 6734             |
| arrest escape 7161 of defendant by bail, when allowed...  | 7610                   | punishment of                                 | 6735             |
| may be ordered by coroner, when                           |                        | <b>ARTESIAN WELLS</b>                         | 2090-2140        |
| (See Coroner)   | 672                    | definition of                                 | 2091             |
| making without lawful authority                           | 6376                   | location of-how made                          | 2090, 2097--2111 |
| refusal to aid officer in making                          | 6378                   | in incorporated city                          | 2093             |
| refusal to make   | 6379                   | well commissioner-probate judge is..          | 2094             |
| summary, for impeding election                            | 6281                   | general duties                                | 2094-2096        |
| duty of officer in making                                 | 7128-7137              | to make order of location                     | 2098             |
| under indictment  | 7238                   | to proceed in settlement of damages,          |                  |
| under presentment   | 7228-7231              | when ...                                      | 2107             |
| of fugitive from justice                                  | 7637                   | payment of damages, how made..                | 2108, 2109       |
| <b>ARREST AND BAIL</b> -bail defined                      | 4271                   | to serve notice on railroad company,          |                  |
| obligations of, how regulated                             | 4272                   | when  | 2110             |
| for what causes allowable                                 | 4945, 4945,5350        | duties in construction of well ....           | 2112-2114        |
| in justice's court  | 6175                   | apportions benefit and cost of                |                  |
| women cannot be arrested except for certain causes .      | 4945                   | well  | 2115-2121        |
| order for, must be obtained from judge.                   | 4946                   | duties pertaining to levy and collec          |                  |
| issues on affidavit and undertaking..                     | 4948                   | tion of well taxes                            | 2122-2131        |
| may issue at any time pending the ac                      |                        | requirements in case of well travers          |                  |
| tion  | 4949                   | ing more than county                          | 2132-2137        |
| what to contain   | 4949                   | compensation of                               | 2139             |
| and affidavit to be served upon de                        |                        | <b>ARTICLES</b> -of incorporation, defined .. | 2897             |
| fendant   | 4950                   | what must be stated                           | 2902             |
| affidavit for, by whom to be made                         | 4947                   | how subscribed                                | 2904             |
| may be positive or on information...                      | 4947                   | how filed                                     | 2905             |
| must be filed with the clerk                              | 4947                   | (See Corporations.)                           |                  |
| undertaking for conditions of, etc                        | 4948                   | <b>ART, WORKS OF</b> -injuring or destroy     |                  |
| sheriff shall arrest                                      | 4951                   | ing   | 6911,6912        |
| makes his return to plaintiff or his                      |                        | <b>ASCERTAINABLE</b> -parties to contract     |                  |
| attorney  | 4949,4958              | must be                                       | 3498             |
| defendant discharged by bail or deposit                   | 4951-4953              | object of contract must be                    | 3526             |
| bail-bond-conditions of                                   | 4953                   | consideration of contract must be             | 3535             |
| bail-qualifications of                                    | 4960                   | parties to negotiable instrument must         |                  |
| exonerated, how   | 4954, 4955, 4957, 4958 | be, when                                      | 4458             |
| how proceeded against in case of                          |                        | damages must be clearly                       | 4581             |
| default   | 4956                   | act to be specifically enforced must be       |                  |
| plaintiff may except to                                   | 4958                   | clearly                                       | 4632             |
| notice of justification of                                | 4959                   | <b>ASSAULT</b> -defined                       | 6505             |
| examination of qualifications                             | 4961                   | battery-defined                               | 6506             |
| report of to be filed with clerk                          | 4961,                  | force allowable, when                         | 6507             |
| deposit paid into court, receipts, etc                    | 4963,4964,             | how punished                                  | 6508             |
| refunded on approved bail                                 | 4965                   | jurisdiction of justices                      | 6509             |
| applied on judgment, when                                 | 4966                   | with dangerous weapon                         | 6510             |
| liability of sheriff to, for escape,                      |                        | with deadly weapon                            | 6491             |
| etc   | 4967,4968              | is a felony                                   | 6479             |
| liability of, to sheriff, when                            | 4969                   | with intent to kill-penalty for ....          | 6479, 6479,6480  |
| defendant may move to vacate                              | 4970                   | in presence of magistrate                     | 7057             |
| motion for discharge, how heard                           | 4971                   | by administering drug                         | 6493             |
| (See Bail.)   |                        | other assaults                                | 6492             |
| <b>ARREST OF JUDGMENT</b> -motion for, defined            | 7452                   | time of commencing action for                 | 4852             |
| court-may arrest, on its own motion..                     | 7453                   | costs in action for, limited                  | 5181             |
| action of on hearing of motion                            | 7454                   | <b>ASSESSOR</b> -general duties of            | 683              |
| <b>ARSON</b>  | 6717-6735              | to furnish statement of assessed valua        |                  |
| defined   | 6717                   | tion of property in school corporation        | 1792             |
|   |                        | shall report acreage of timber                | 684              |
|   |                        | to report statistics to commissioner of       |                  |
|   |                        | immigration                                   | 113              |
|   |                        | to make list of persons liable to military    |                  |
|   |                        | duty  | 1918             |
|   |                        | bribery of                                    | 6326,6328        |
|   |                        | may appoint deputies                          | 1397, 1397,1398  |



# INDEX.

|  | Section.  |  | Section.  |
|--|-----------|--|-----------|
| <b>ASSESSOR.-Continued.</b>                            |           | <b>ASSESSMENT AND TAXATION-collection</b>      |           |
| duties of on assessment (See Assessment and Taxation.) |           | of taxes-warrants- <i>Continued.</i>           |           |
| (See County Assessor- <i>Officers</i>                  |           | to be entered in warrant book                  | 1647      |
| - <i>Townships-Cities-Towns.</i> )                     |           | substitution of, penalty for                   | 1648      |
| <b>ASSESSMENT AND TAXATION...</b>                      | 1541-1666 | exceeding tax, how adjusted                    | 1654      |
| classes of taxable property                            | 1541,1543 | interest rated on, when                        | 1652      |
| exemptions...  | 1542      | redeemed, to be marked by treas                |           |
| for fire-guards  | 2401,2402 | urer   | 1653      |
| listing-county commissioners provideforms ...          | 1544      | duplicate receipts given                       | 1599      |
| may extend list  | 1545      | form of  | 1600      |
| what list shall contain                                | 1544      | issuing fraudulent, penalty for                | 1649      |
| begins when  | 1546      | audited by county clerk                        | 1601      |
| all taxable property must be listed...                 | 1547      | numbered consecutively for each                |           |
| refusal of person to list-power of assessor            | 1547      | year   | 1602      |
| property of unknown owners                             | 1548      | date of, noted on duplicate                    | 1603      |
| oath to list   |           | local added to general list                    | 1619      |
| may be required of owner or other                      |           | judgment for taxes in case of suit to restrain | 1643      |
| person   | 1549      | cash book of treasurer-shall show              |           |
| refusal to make, penalty for                           | 1549      | what   | 1604,1605 |
| reports of to be filed by assessor                     | 1550,1583 | form of . . .                                  | 1606      |
| false, is perjury                                      | 1552      | duplicate kept by county clerk                 | 1607      |
| of assessor  | 1551      | taxes-demand for not necessary                 | 1609      |
| credits defined  | 1553      | partial payment of                             | 1655,     |
| very inhabitant unless exempt must                     |           | delinquent, when                               | 1610      |
| list   | 1554      | penalty  | 1611      |
| of property of commission merchant.                    | 1555      | lien for                                       | 1612      |
| where, in general                                      | 1556      | distrain of property for                       | 1613      |
| in unorganized county                                  | 1557      | resisting treasurer in collection....          | 1614      |
| when owner does business in more                       |           | receivable until distress and sale...          | 1615      |
| than one county  | 1560      | treasurer makes list of uncollect              |           |
| of depreciated bank-notes                              | 1561      | ible personal taxes                            | 1616      |
| credits and annuities                                  | 1561      | penalty for failure to collect taxes           |           |
| bona fide debts deducted                               | 1562      | collectible .                                  | 1617      |
| at less than cash value, by collusion                  |           | mileage for making demand                      | 1618      |
| is a misdemeanor                                       | 1558      | sale for delinquent-notice                     | 1620      |
| in behalf of another                                   | 1559      | additional sum charged for advertising....     | 1620      |
| property of corporations                               | 1565      | lands offered, when                            | 1621      |
| merchant defined                                       | 1563      | method of sale                                 | 1622      |
| manufacturer, who held to be                           | 1564      | in parcels, how                                | 1622      |
| assessment roll-delivered to county                    |           | homestead reserved, how                        | 1622.     |
| clerk  | 1582      | lands offered again if bidder fails to         |           |
| shall contain what                                     | 1582      | pay .  | 1623      |
| equalization-county board                              | 1584      | return filed with county clerk                 | 1624      |
| powers of  | 1584,1585 | must contain what                              | 1624      |
| county clerk is clerk of                               | 1586      | descriptions in numerical order..              | 1625      |
| forwards abstract to territorial                       |           | certificate to purchaser                       | 1626      |
| auditor  | 1587      | form of  | 1626      |
| territorial board                                      | 1588      | fee for  | 1627      |
| tax-for territorial purposes limited...                | 1589      | purchaser acquires lien                        | 1626      |
| shall be three mills, when                             | 1592      | to be preserved harmless in case               |           |
| rate of for stock indemnity fund....                   | 2335      | of erroneous sale                              | 1629      |
| must be paid over by county treasurer, when            | 1644      | treasurer liable, when                         | 1629      |
| penalty for failure                                    | 1615      | private sale, when                             | 1628      |
| county, limited  | 1589      | county treasurer may bid in, when.             | 1630      |
| rate in certain counties for sheep inspector's fund    | 2364      | redemption from county pur                     |           |
| levied, when   | 1591      | chase  | 1631      |
| rate of, county clerk notified by territorial auditor  | 1590      | may sell eertificpte                           | 1632      |
| homestead liable for                                   | 2452      | certificate to be made to county..             | 1633      |
| in cities  | 1161-1166 | taxes not payable by county until              |           |
| tax-list-shall contain what                            | 1593      | when   | 1634      |
| duplicate for treasurer                                | 1594      | redemption from tax- sale                      | 1635      |
| form of  | 1595      | of undivided part of land                      | 1636      |
| warrant of commissioners to be attached                | 1596      | what portion conveyed                          | 1637      |
| errors or omissions                                    | 1608      | recovery, action for, commenced                |           |
| collection of taxes-county treasurer..                 | 1597      | when   | 1640'     |
| penalty for failure                                    | 1617      | irregularities do not avoid                    | 1641      |
| warrants receivable                                    | 1598      | deed given, when                               | 1638      |
|  |           | effect of                                      | 1638      |
|  |           | executed by treasurer                          | 1639      |
|  |           | form of  | 1639      |
|  |           | certificate to be surrendered                  | 1642      |
|  |           | county clerk to have list of lands be          |           |
|  |           | coming taxable for first time                  | 1646      |

# INDEX.

|   | Section.  |  |                                    |
|---|-----------|--|------------------------------------|
| <b>ASSESSMENT AND TAXATION</b> <i>Continued.</i>                                      |           | <b>ASSIGNMENT</b> -- <i>Continued.</i>   |                                    |
| dereliction of duty in assessment or collection, penalty                              | 1650      | of judgment to be entered by clerk of court  | 5108                               |
| miscellaneous receipts by county treasurer  | 1651      | <b>ASSIGNOR</b> --must subscribe assignment  | 4664                               |
| special tax for extraordinary expenditure must be voted                               | 1666      | must file inventory  | 4667                               |
| (See Cities-Education-Towns-Township.)  |           | must file affidavit to inventory   | 4668                               |
| <b>OF BANK STOCK</b>  | 1566-1570 | insurance upon life of, does not pass...   | 4667                               |
| national  | 1565      | <b>ASSOCIATIONS</b> --not regularly incorporated, subject to provisions governing corporations | 3189                               |
| assessment, how made  | 1566      | (See Corporations.)  |                                    |
| bank must keep list of stockholders..   | 1567      | <b>ASSURANCE</b> --covenant for further, runs with land  | 3446                               |
| shares listed in name of owner  | 1568      | form of  | 3614                               |
| tax collected, how  | 1569      | of life and property (See Insurance.)  |                                    |
| dividends liable ..   | 1570      | <b>ASYLUM</b> --who may be placed in lunatic, and how  | 2655                               |
| <b>OF RAILROADS</b>   | 1571-1576 | for orphans, may be incorporated (See Corporations.)   | 3162                               |
| taxation by percentage of gross earnings ...  | 1571      | for the poor (See Poor.)   |                                    |
| company to report to territorial treasurer  | 1571      | <b>ATTACHMENT</b> --on what ground issues.   | 4993                               |
| proceedings on failure  | 1572      | when debt not due  | 5016                               |
| Leglect of payment, penalty   | 1573      | requisites of affidavit for  | 4995                               |
| distrain of property for taxes  | 1574      | bond for--conditions of  | 4996                               |
| lands subject to taxation, when   | 1575      | liability-of sureties on--exemptions limited.  | 5140                               |
| apportionment of tax  | 1576      | warrant for issued by clerk, how   | 4994                               |
| <b>OF TELEGRAPH LINES</b>   | 1577-1581 | requisites of  | 4997                               |
| companies to obtain license   | 1577      | sheriff executes, how  | 4998                               |
| statement to territorial treasurer  | 1578      | to make inventory of property  | 4999                               |
| treasurer issue license, when   | 1579      | keeps custody of property seized..   | 5000                               |
| license fee, how paid   | 1580      | may sell perishable property, how..  | 5001                               |
| in lieu of all other taxes  | 1581      | to summon jury to try title of third claimant, how   | 5002                               |
| <b>ASSIGNEE</b> , for benefit of creditors, not a purchaser for value                 | 4666      | seizes property incapable of delivery, how   | 5004, 5005                         |
| must give bond  | 4673      | may sue for recovery of debts attached ....'   | 5006                               |
| has no power until bond and inventory filed   | 4674      | takes indemnity bond from plain tiff, when   | 5007                               |
| may be required to account  | 4675      | to restore property to defendant, when   | 5008                               |
| certain property does not pass to entitled to what compensation                       | 4677      | returns warrant when fully executed  | 5013                               |
| under void assignment, when not liable  | 4679      | defendant may apply for discharge of, when   | 5009                               |
| <b>ASSIGNMENT</b> --of mortgage, may be recorded...                                   | 4360      | undertaking for discharge  | 5010                               |
| effect of record of   | 4361      | to give plaintiff notice of undertaking filed  | 5010                               |
| general, by maker of negotiable instrument to indorser, excuses notice of dishonor .. | 4311      | exceptions to undertaking  | 5010                               |
| <b>FOR BENEFIT OF CREDITORS</b>   | 4460-4680 | notice of to sheriff   | 5010                               |
| may be made, by whom  | 4680      | sureties to justify on notice of plaintiff   | 5010                               |
| what debts maybe secured by   | 4662      | lienor may move to discharge   | 5011                               |
| invalid if giving preference or priority to any creditor                              | 4660      | sureties approved or justified, clerk discharges   | 5009, 5010                         |
| void against creditors, when  | 4663      | of partnership property  | 5012                               |
| must be in writing, subscribed, and acknowledged or proved                            | 4664      | plaintiff may sue for debts attached, how ...  | 5007                               |
| gives no greater rights than debtor had ...   | 4666      | in cases of bastardy   | 5563                               |
| inventory to accompany affidavit to be annexed to                                     | 4667      | of person for contempt   |                                    |
| must be filed, where  | 4668      | .....  | 5005, 5174, 5185, 5267, 5268, 5271 |
| must be recorded, where   | 4669      | costs may be enforced by, when   | 5204                               |
| void, if not recorded, etc  | 4671      | mortgaged property may be taken by, when   | 4388-4390                          |
| of real property, subject to certain provisions                                       | 4672      | ...n justice's court (See Justice's Court.)  | 6067-6070                          |
| assignee under, must give security (See Assignee.)                                    | 4673      | <b>ATTEMPTS</b> --to commit crimes, conviction for restricted                                  | 6943                               |
| property exempt from execution does not pass by                                       | 4677      | resulting in failure   | 6944                               |
| life insurances do not pass by  | 4677      | failure of, when lesser crime results.   | 6945                               |
| how canceled or modified  | 4680      | to kill  | 6478-6480                          |
| partner has not authority to make...  | 4045      | by administering poison  | 6478                               |
| of thing in action, does not affect equities of debtor                                | 4871      | by shooting and assault  | 6479                               |
| of interest in litigation does not abate action                                       | 4881      | by other assault   | 6480                               |
|   | Section.  |  |                                    |

# INDEX.

|   | Section.        |   | Section.        |
|---|-----------------|---|-----------------|
| <b>ATTEMPTS-Continued.</b>                          |                 | <b>ATTORNEY GENERAL-Continued.</b>                              |                 |
| to induce challenge to duel                         | 6500            | is ex-officio attorney for railroad                             |                 |
| to compel form of belief                            | 6251            | commissioners   | 173             |
| of prisoners to escape from prisons                 | 6339, 6340      | is president of territorial board of                            |                 |
| to intimidate officer                               | 6386            | health .. ...   | 192             |
| to commit suicide                                   | 6430            | is member of territorial board of equal                         |                 |
| aiding  | 6433            | ization   | 1588            |
| wife aiding in, cannot plead subjec                 |                 | to bring suit against county for failure                        |                 |
| tion  | 6220-6222       | to remove patient from insane hos                               |                 |
| <b>ATTORNEYS-who may be licensed</b>                | 6462            | pital   | 254             |
| oath of   | 463             | to draft blank forms under artesian                             |                 |
| from other states maybe admitted, how               | 464             | well act  | 2140            |
| duties of, in general                               | 465             | to prosecute violations concerning con                          |                 |
| punishment for deceit, etc                          | 466, 6410       | tagious diseases of animals                                     | 2339            |
| authority of  | 467             | <b>ATTORNMENT--by tenant unnecessary</b>                        |                 |
| proof of authority to appear                        | 468             | to give title   | 3253            |
| must not be surety                                  | 469             | <b>AUCTION-defined</b>  | 3646            |
| lien for compensation                               | 470, 471, 4447  | sale by, when complete  | 3647            |
| license may be revoked                              | 472             | bid at, when may be withdrawn                                   | 3648            |
| causes and proceedings for suspension               |                 | conditions of, how far may be modified                          |                 |
|   | 473-477         | orally  | 3649            |
| penalty for refusing to pay money over              |                 | without reserve, rights of bidder at....                        | 3650            |
| to client   | 478-480         | puffing or by bidding at  | 3651            |
| refusal, howexcused                                 | 479-480         | memorandum of sales, by whom to be                              |                 |
| may subscribe pleadings                             | 4921            | made  | 3652            |
| summons   | 4893            | sale of thing pledged must be by                                | 4411            |
| may verify pleadings, when                          | 4922, 4922,4923 | <b>AUCTION, MOCK-penalty for holding.</b>                       | 6824            |
| may receive service of papers except                |                 | <b>AUCTIONEER-license of</b>                                    | 2426-2432       |
| summons or process f or contempt.                   | 5336,5337       | must have but one place to sell                                 | 6705, 6706      |
| privileged as to testifying                         | 5263            | penalty for having more than one                                |                 |
| may be appointed for absent defendant,              |                 | place   | 6707            |
| when  | 5319            | fraud by  | 6708-6711       |
| rights of in conducting trial                       | 5047, 5047,5049 | sales must be made by day                                       | 6709            |
| fees of, how adjusted                               | 5186, 5186,5187 | neglect to render account                                       | 6710            |
| included in judgment as costs, when                 | 5188            | authority of, from seller                                       | 4008            |
| action for partition                                | 5406            | from buyer  | 4009            |
| may be arrested, when                               | 4945            | may make memorandum of sale                                     | 3652            |
| to prepare findings of fact for the                 |                 | <b>AUDITOR-(See Territorial Auditor-County Auditor-Cities.)</b> |                 |
| court   | 5069            | <b>AUTHORITY-abuse of avoids contract,</b>                      |                 |
| purchase of demands or suit by                      | 6395,6399,6400  | when  | 3510            |
| procuring loan on claim for collection              | 6397,6399,6400  | agent must not exceed his                                       | 3787            |
| delaying suit of client                             | 6410            | of trustee  | 3946            |
| receiving allowance for money not expended.         | 6410            | of agent  | 3966-3988       |
| permitting third person to use his name             | 6411            | what may be conferred   | 3966            |
| is lawful, when                                     | 6412            | what cannot be conferred  | 3968            |
| misconduct of, deceiving the court, etc.            | 6410            | how conferred   | 3969            |
| making second application to stay trial             | 6403            | consideration for, not necessary                                | 3970            |
| accepting bribes from parties in interest           | 6330            | oral, sufficient in general                                     | 3971            |
| embezzlement by                                     | 6799            | must be in writing when   | 3971            |
| partner of district attorney must notadvise defense | 6921            | by ratification (See Ratification.)                             | 3972            |
| prosecutor advising the defense                     | 6922            | extent of   | 3977            |
| probate judge not to act as, when                   | 688             | actual, defined   | 3978            |
| may defend himself                                  | 6923            | ostensible, defined   | 3979            |
| defen din certain prosecution                       | 6922            | in whose favor binding  | 3993            |
| employe for indigent defendant-com                  |                 | to do what is necessary or usual                                | 3981            |
| pensation   | 7574            | to make representations   | 3981            |
| appointed by probate court - compensation           | 5808, 5898      | to disobey instructions   | 3982            |
| in justice's court-compensation                     | 6143            | general, limited by specific                                    | 3983            |
| exempt from jury duty                               | 443             | exceptions to   | 3984            |
| (See District Attorney.)                            |                 | to sell, effect of  | 3985            |
| <b>ATTORNEY GENERAL --appointment of</b>            | 95              | effect of use of  | 3989            |
| duties of, in general                               | 95-100          | of incomplete execution of                                      | 3990            |
| oath and bond                                       | 101             | of transcending   | 3992            |
| salary and expenses                                 | 102             | implied warranty of   | 3999            |
| duties in enforcing requirements of                 |                 | delegation of, when allowed                                     | 4003            |
| public examiners                                    | 120,126         | termination of  | 4006, 4006,4007 |
|   |                 | effect of agent acting without                                  | 4000            |
|   |                 | special partner has no  | 4082            |
|   |                 | to more than two officers jointly to be                         |                 |
|   |                 | exercised by majority   | 4765            |
|   |                 | of auctioneer from seller                                       | 4008            |
|   |                 | from buyer  | 4009            |
|   |                 | of factor to insure to sell and to delegate                     |                 |
|   |                 | authority   | 4011            |

# INDEX.

|  | Section.         |   | Section.         |
|--|------------------|---|------------------|
| <b>AUTHORITY</b> -of factor.-Continued. ostensible | 4012             | <b>BALLOTS</b> , form of, must be on white                  |                  |
| of shipmaster, to borrow for owner of              |                  | paper   | 1451             |
| ship   | 4013             | all names voted for on one                                  | 1452             |
| to act for owner of cargo                          | 4013             | all electors shall vote by                                  | 1451             |
| to transact business for ship                      | 4016             | what to contain   | 1451             |
| to hypothecate ship, freightage and cargo          | 4017             | judges to receive and deposit, how                          | 1457             |
| to sell ship cargo                                 | 4018             | canvass of by judges, how and when                          | 1464-1467        |
|  | 4019             | double, shall be destroyed                                  | 1465             |
| to ransom ship                                     | 4020             | in excess of number on the poll list,                       |                  |
| ceases, when                                       | 4021             | how adjusted  | 1466             |
| of ship's manager                                  | 4025             | to be deposited with chairman of                            |                  |
| of partner ..                                      | 4044             | county board  | 1468             |
| to transact business                               | 4044             | technical errors, etc., to be disregarded                   | 1484             |
| to bind copartners                                 | 4044             | to be counted only when cast in estab                       |                  |
| partner has not to make assignment for             |                  | lished precincts  | 1484             |
| benefit of creditors                               | 4045             | penalty for violation                                       | 1484             |
| to dispose of good will, of entire stock,          |                  | altering  | 6261             |
| and to break up business                           | 4045             | destroying or concealing                                    | 6283             |
| to act in bad faith                                | 4046             | <b>BALLOT BOX</b> -to be provided by county                 | 1455             |
| <b>AVERAGE</b> -general, defined                   | 3871             | judges of election to have custody of...                    | 1455,            |
| how adjusted                                       | 3875             | style of  | 1456             |
| owner of goods stowed on deck, when                |                  | how protected during adjournment for                        |                  |
| entitled to  | 3877             | dinner  | 1460, 1461       |
| marine insurer liable for                          | 4224, 4224, 4251 | to be deposited with county board,                          |                  |
| ship's manager may adjust                          | 4025             | when  | 1468             |
| insurance free of, effect of                       | 4224             | destruction a felony  | 6283             |
| <b>BAGGAGE</b> -defined                            | 3890             | <b>BANK</b> -liability of party to negotiable               |                  |
| common carrier bound to carry ....                 | 3889, 3892       | instrument in ...   | 4489             |
| liability of, for                                  | 3891             | officers of criminally liable, when .                       | 6841-6862        |
| bound to deliver                                   | 3892             | receiving deposits when insolvent                           | 6849             |
| (See Carrier.)                                     |                  | <b>BANKER</b> -lien of                                      | 4443             |
| <b>BAIL</b> -defined                               | 4271             | <b>BANKING</b> -special partn?rship not allowed to carry on | 4072             |
| liabilities of                                     | 4272             | corporations-may be formed (See                             |                  |
| amount of fixed by court on arraignment            | 7270             | Corporations.)  | 2900             |
| taken by another magistrate                        | 7273             | <b>BANKING GAME</b> -keeping of, what is punishment         | 6595             |
| increased amount required                          | 7274             | <b>BANK NOTE</b> -negotiable ..                             | 4464, 4464, 4569 |
| admitted for all crimes not punishable             |                  | indorsee of acquires good title after                       |                  |
| by death   | 7604             | dishonor  | 4570             |
| admitted, when crime punishable                    |                  | must not be sold or pledged by bank                         |                  |
| by death, when                                     | 7605             | ing corporations, when                                      | 6846,            |
| after conviction, when                             | 7606             | must not be circulated in excess of                         |                  |
| qualification and justification of sureties        | 7607             | legal limit   | 6847             |
| defendant discharged on bail being given           | 7608             | action to enforce payment of-limita                         |                  |
| deposit of money for                               | 7609             | tion  | 6867             |
| arrest of defendant by                             | 7610             | making false plates is forgery                              | 6755             |
| forfeiture of                                      | 7266, 7611       | imitation of genuine plate defined                          | 6755             |
| action on bond brought on                          | 7611             | (See Negotiable Instrument.)                                |                  |
| additional security may be demanded.               | 7612             | <b>BANK STOCK</b> -taxation of (See Assess                  |                  |
| answerable for appearance if case be resubmitted   | 7288, 7289       | ment and Taxation.)   | 1566-1570        |
| exonerated by commitment of de                     |                  | <b>BANKRUPTCY</b> -frauds in                                | 6837-6862        |
| fendant  | 7437, 7437, 7571 | <b>BARTER</b> -factor has not authority to                  |                  |
| fugitives from justice allowed                     | 7639             | (See Exchange.)   | 4111             |
| may be required on dismissal of crimi              |                  | <b>BARRATRY</b> -defined                                    | 6391             |
| nal action, when                                   | 7651             | is a misdemeanor  | 6392             |
| exonerated, when                                   | 7652             | proof required  | 6393             |
| allowed on writ of habeas corpus                   | 7942             | interest of person accused is no                            |                  |
| refusal to allow, a misdemeanor                    | 7842             | defense   | 6394             |
| proceedings when taken on arrest                   |                  | <b>BASTARD</b> -who entitled to custody of..                | 2606             |
| for misdemeanor                                    | 7130             | legitimatization of   | 2631             |
| may be required in change of venue...              | 7315             | attempt to conceal death of                                 | 6947             |
| in justice's court (See Justice's Court.)          |                  | illegitimacy, by whom and how proved                        | 2603             |
| (See Arrest and Bail.)                             |                  | <b>BASTARDY</b> -action for, how com                        |                  |
| <b>BAILIFF</b> -compensation of                    | 1438             | menced  | 5560             |
| appointment of                                     | 1438             | clerk issues and subscribes summons..                       | 5561             |
| of the jury, misconduct by                         | 6334             | district attorney prosecutes action of..                    | 5564             |
| <b>BAILMENT</b> (See Deposit-Loan-Hiring-Carriage) |                  | county may prosecute, when                                  | 5568             |
|  |                  | attachment may issue in                                     | 5563             |
|  |                  | issues in trial of, what is, and how tried                  | 5565             |
|  |                  | judgment in, what   | 5566             |
|  |                  | modified how  | 5567             |
|  |                  | <b>BATTERY</b> -defined                                     | 6506             |
|  |                  | when permissible  | 6507             |

## INDEX.

|   | Section.        |  | Section.        |
|---|-----------------|--|-----------------|
| <b>BATTERY.</b> - <i>Continued.</i>                       |                 | <b>BEQUEST.</b> - <i>Continued.</i>                |                 |
| punishmentfor   | 6508            | of all testator's personal property, effect of     | 3357            |
| justice of peace has jurisdiction                         | 6508            | of residue of estate, etc., effect of              | 3358            |
| by use of a dangerous weapon                              | 6509            | to heirs, relations, etc., effect of               | 3360            |
| action for, limitation                                    | 4852            | to a class, includes whom                          | 3363            |
| costs limited by damages recovered....                    | 5591            | vests, when  | 3367            |
| (See Assault.)  |                 | how divested                                       | 3368            |
| <b>BAWDY HOUSE</b> -keeping, is a misdemeanor             | 6571            | conditional, defined                               | 3371            |
| letting house to be kept for                              | 6573            | vests, when  | 3373            |
| wife assisting to keep cannot plead subjection            | 6221            | to several persons, effect of                      | 3376            |
| <b>BEDDING</b> -exempt from levy and execu                |                 | what is ademption of                               | 3377            |
| tion, how ..  | 5129            | of income, when accrues                            | 3387            |
| to be furnished each prisoner                             | 7788            | exonerating creditor invalid, when....             | 5768            |
| <b>BELIEF</b> -compelling form of is misdemeanor          | 6251            | (See Legacy-Will.)                                 |                 |
| erroneous, avoids contract, when                          | 3512            | <b>BETTING</b> -on elections is a misdemeanor..    | 6257            |
| false statement without, fraudulent...                    | 3507,3559       | on prize fight                                     | 6687            |
| (SeeMistake.)   |                 | <b>BIAS</b> --of officer as cause for challenge... | 7347            |
| <b>BENCH WARRANT</b> -issued on presentment by grand jury | 7228            | of juror cause for challenge                       | 7358            |
| issued by clerk of court                                  | 7229            | implied from consanguinity                         | 7359            |
| form of   | 7230            | implied from other causes                          | 7359            |
| when served   | 7231            | <b>BIBLE</b> -furnished to each prisoner           | 7809            |
| to issue in arraignment of defendant,when                 | 7266, 7267      | one to each apprentice                             | 2663            |
| form of   | 7268            | not assets of estate of deceased person.           | 5778            |
| when offense is bailable                                  | 7269            | may be read in public schools without              |                 |
| when offense is not bailable                              | 7271            | sectarian comment                                  | 1706            |
| warrant served where                                      | 7272            | <b>BIGAMY</b> -defined                             | 6542, 6542,6543 |
| issued on pronouncing judgment in                         |                 | punishment for                                     | 6544            |
| criminal action   | 7459-7463       | wife cannot plead subjection in actionof           | 6221            |
| <b>BENEFICIARY</b> -of trust, what                        | 3914            | other party to bigamous marriage                   | 6545            |
| must be indicated by trust                                | 3917            | proof of   | 7403            |
| may allow trustee to act in adverse in                    |                 | jurisdiction in                                    | 7104            |
| terest, when  | 3923            | cause for annulment of marriage                    | 2543            |
| trustee may not take advantage of                         | 3924            | <b>BILL OF EXCEPTIONS</b> -(See Exceptions.)       |                 |
| consent of necessary to allow trustee to                  |                 | <b>BILL OF EXCHANGE</b> -defined                   | 4517            |
| take adverse trust  | 3925            | may give name of additional drawee in              |                 |
| entitled to information of trustee's ad                   |                 | case of need:                                      | 4518            |
| verse interest ...  | 3926            | may be in a set                                    | 4519            |
| what is fraud against                                     | 3927            | when must be in set                                | 4520            |
| certain transactions of, presumed to be                   |                 | presentment, etc., of one of a set sufficient....  | 4521            |
| under undue influence                                     | 3928            | where payable                                      | 4522            |
| may require trustee to account for                        |                 | drawer of, has same obligation, etc., as indorser  | 4523            |
| breach of trust, how                                      | 3930            | days of grace on                                   | 4524            |
| may take advantage of trust until re                      |                 | presentment of, for acceptance                     | 4525-4529       |
| scinded   | 3936            | when made  | 4525            |
| consent of, necessary to revocation of                    |                 | how, by whom, and to whom made...                  | 4526            |
| trust, when   | 3953            | when excused                                       | 4526,4526,4546  |
| trustee may be discharged by, when..                      | 3955            | agent for collection must present, for acceptance  | 3789            |
| in real property, has no estate there                     |                 | acceptance of, how made                            | 4530            |
| in  | 2804            | must be in writing                                 | 4530            |
| may or may not transfer his interest,                     |                 | must be unqualified                                | 4531            |
| when  | 2808            | how made, by consent of holder                     | 4532            |
| when entitled to release from trustee                     | 2793            | by refusal to return                               | 4532            |
| (See Trust-Uses and Trusts.)                              |                 | by separate instrument                             | 4533            |
| <b>BENEFIT</b> -he who takes must bear                    |                 | promise to accept, when sufficient...              | 4534            |
| burden  | 3524, 3524,4708 | may be canceled, when                              | 4535            |
| <b>BENEVOLENT CORPORATIONS</b> -                          |                 | what is admitted by                                | 4536            |
| may be formed, (See Corporations.)                        |                 | for honor, when allowed                            | 4537            |
|   | 2900, 3162      | holder not bound to receive                        | 4538            |
| <b>BEQUEST</b> -what may pass by                          | 3308            | how made   | 4539            |
| who may take by   | 3309            | how enforced                                       | 4540            |
| subject to lien, when                                     | 3333            | notice of dishonor, not excused by.                | 4541            |
| takes partial effect only, when                           | 3334            | payment of, for honor, how made                    | 4539            |
| when revoked by transfer, etc                             | 3335            | must be received by holder                         | 4538            |
| when does not lapse by death of lega                      |                 | presentment of, for payment, where made            | 4542            |
| tee   | 3338            | effect of delay in                                 | 4544,4545       |
| to subscribing witness, void                              | 3339            | excuses for want of presentment, etc.,of .         | 4546-4548       |
| by words  |                 | inland, defined                                    | 4549            |
| less clear  | 3348            |  |                 |

# INDEX.

|  | Section.  |   | Section.         |
|--|-----------|---|------------------|
| <b>BILL OF EXCHANGE.</b> --Continued. foreign, defined   | 4549      | <b>BOARD OF HEALTH,</b> territorial-Continued                               | supervision over |
| notice of dishonor of, how given                         | 4550      | physicians  | 205              |
| protest of, by whom made                                 | 4551      | vacancies in board  | 206              |
| how made   | 4552      | has supervision of city boards of   |                  |
| where made   | 4553      | health  | 207              |
| when made  | 4554      | county--how appointed   | 198              |
| when excused   | 4555      | duties of officers  | 199              |
| notice of, how given                                     | 4556      | meetings of the board   | 200              |
| may be waived  | 4557      | powers and duties of the board  | 201              |
| how paid for honor                                       | 4558      | expenses of the board   | 201              |
| damages for dishonor of                                  | 4559,4560 | powers of superintendent  | 202              |
| how estimated igfederal money....                        | 4561      | compensation of officers  | 203              |
| in foreign money   | 4561      | officer to make complaint for sale of                                       |                  |
| <b>BILL OF LADING</b> --defined                          | 3855      | unwholesome food  | 2246, 2246,2250  |
| negotiable   | 3856      | township (See Townships.)   | 755-764          |
| effect of, on rights and duties of carrier               | 3859      | <b>BOARD OF PHARMACY</b> --(See Pharmacy.)                                  |                  |
| consignor, entitled to                                   | 3859      | <b>BOARDING-HOUSE KEEPERS</b> --liabil                                      |                  |
| effect of refusal to give                                | 3859      | ity for property of boarders  | 3686             |
| carrier may require surrender of,--on de                 |           | how relieved from   | 3687             |
| livery of goods  | 3861      | have lien for lodging, fare, etc  | 3686,4447        |
| destroying or suppressing                                | 6623      | <b>BODY</b> --person disposing of his own                                   | 6549             |
| false, making,how punished                               | 6828      | who entitled to custody   | 6558             |
| signing or delivering                                    | 6712      | unlawful removal of   | 6559             |
| delivering   | 6866      | purchase of forbidden   | 6560             |
| issuing  | 6867      | arresting or attaching  | 6563             |
| bill corresponding with marks in package marked          | 6868      | <b>BONDS</b> --official--who shall give                                     | 1371             |
| duplicate must be so marked                              | 6869      | approved how  | 1373,1376        |
| sale of goods without consent of holder                  | 6870      | amounts of  | 1374             |
| must be canceled on delivery of goods                    | 6871      | must be recorded at length  | 1377             |
| <b>BILL OF PARTICULARS</b> --may be ordered by the court | 4923      | construed to cover all duties   | 1382             |
| (See Account.)   |           | of receiver   | 5017             |
| <b>BILL OF SALE</b> --record of                          | 624       | plaintiff taking judgment against nonresident                               | 5025             |
| <b>BILLS AND NOTES</b> --parties to, how sued            | 4880      | guardian ad litem   | 4876             |
| <b>BLACKMAILING</b> --(See Extortion.)                   |           | to obtain arrest of debtor  | 4948             |
| <b>BLASPHEMY</b> --defined                               | 6230      | discharge from arrest   | 4952             |
| serious discussion not                                   | 6231      | of plaintiff in claim and delivery  | 4975             |
| is a misdemeanor   | 6232      | of defendant in claim and delivery  | 4977             |
| <b>BLIND, INSTITUTION FOR</b> --governor                 |           | of plaintiff in injunction  | 4988             |
| to make contract for care of blind..                     | 272,273   | of plaintiff in attachment  | 4996             |
| county superintendent to report blind                    |           | of defendant in attachment  | 5010             |
| persons  | 274       | indemnity to sheriff, when  | 5125,            |
| county commissioners to report blind                     |           | in appeals from district court  | 5218-5232        |
| persons to governor                                      | 275       | where filed   | 5340             |
| who entitled to public education                         | 276       | of vendors of intoxicating drinks   | 2205             |
| proceedings to entitle persons to education              | 277       | to indemnify sheriff by creditor, when.                                     | 5007             |
| governor to be notified of admission of pupils           | 278       | for security to keep the peace  | 7053             |
| auditor to draw warrants for accounts of institution     | 279       | actions upon such bond  | 7063             |
| <b>BOARD OF CANVASSERS</b> --county, who to constitute   | 1471      | on appeal from decision of county commissioners                             | 610              |
| territorial who to constitute                            | 1474      | in probate court, appeals (See Probate.                                     |                  |
| <b>BOARD OF;COUNTY COMMISSIONERS</b> --                  |           | Court.)   | 5962-5982        |
| (See County Commissioners.)                              |           | of executors and administrators.  | 5726-5743        |
| <b>BOARD OF EDUCATION</b> --(See Education. )            |           | of special administrator  | 5747             |
| <b>BOARD OF HEALTH</b> --territorial, created            | 192       | of guardian to minor  | 5990,6035        |
| appointment  | 192       | by legatee or devisee in partial distri                                     |                  |
| duties of officers                                       | 193       | bution  | 5922, 5922,5923  |
| meetings of the board                                    | 194       | by purchaser of contract purchase   |                  |
| powers and duties of the board                           | 195       | land  | 5849,5850        |
| salary and expenses of superinten                        |           | (See Justice's Court- Undertaking.)   |                  |
| dent of health   | 196       | <b>BOND</b> --negotiable remains so after payment or dishonor. (See Negotia |                  |
| expenses of president and vice presi                     |           | ble Instrument.)  | 4570             |
| dent   | 197       | public called for payment, how  | 1681-1683        |
| shall appoint members of county                          |           | duplication of  | 1684-1687        |
| board ...  | 198       | <b>BORROW</b> --shipmaser may, on credit                                    |                  |
| superintendent shall make biennial                       |           | of owner, when....  | 4014             |
| report   | 204       | ship's manager cannot, on credit of ship                                    |                  |
|  |           | or owner  | 4026             |
|  |           | <b>BORROWER</b> --for use does not acquire                                  |                  |
|  |           | title   | 3699             |
|  |           | must use great care   | 3700             |
|  |           | animal with great kindness  | 3701             |
|  |           | must have such skill as he made lender                                      |                  |
|  |           | suppose   |                  |

# INDEX.

|  | Section.   |   | Section.              |
|--|------------|---|-----------------------|
| <b>BORROWER</b> -for use.- <i>Continued.</i>                       |            | <b>BURDEN</b> -of proof to show want of consideration | 3538                  |
| must repair negligent injuries                                     | 3703       | <b>BURGLARY</b> -and housebreaking ....               | 6736-6748             |
| may use thing, for what purpose                                    | 3704       | first degree  | 6736                  |
| must not part with thing lent                                      | 3705       | second degree   | 6737-6739             |
| must bear what expenses  | 3706       | third degree  | 6740,6741             |
| entitled to compensation, for what...                              | 3706       | fourth degree   | 6742,6743             |
| must return thing lent, when and where                             | 3709       | punishment  | 6744                  |
| for exchange acquires title  | 3712       | having possession of implements                       | 6745                  |
| must bear all expenses of thing                                    | 3712       | entering unoccupied building not                      | 6746                  |
| cannot be required to return loan before time agreed               | 3713       | <b>BURIAL</b> -duty of                                | 6550                  |
| of money must pay in current money.                                | 3716       | in other states                                       | 6551                  |
| on usury may recover excess of interest                            | 3723       | of remains after dissection                           | 6554                  |
| (See Loan-Lender )   |            | of dead limb or member                                | 6555                  |
| <b>BOTTOMRY</b> -defined   | 4418       | upon whom duty devolves                               | 6556                  |
| owner may hypothecate upon, in anycase                             | 4419       | neglect of  | 6557                  |
| shipmaster may hypothecate upon, when                              | 4420-4422  | place of-unlawful interference with...                | 6561                  |
| rate of interest upon  | 4423       | removal to another                                    | 6562                  |
| rights of lender upon, when not necessary                          | 4424       | right of may be held as easement or                   |                       |
| stipulation for personal liability under, void                     | 4425       | servitude   | 2760-2761             |
| loan upon, when due  | 4427       | charges paid by preference .....                      | 5779, 5783, 5785,5911 |
| lien of, how lost  | 4428       | of soldiers and sailors                               | 2469-2473             |
| preferred to other liens, when                                     | 4429       | <b>BURIAL LOT</b> -exempt from execution..            | 5778                  |
| priority of several liens of                                       | 4430       | cannot be sold  | 3160                  |
| (See Lien-Respondentia.)   |            | <b>BUTTER</b> -defined                                | 2251                  |
| <b>BOUNDARIES</b> -of real estate, jurisdic                        |            | selling oleomargarine for                             | 2248                  |
| tion in cases involving  | 6049       | <b>BUYER</b> -rights and obligations of...            | 3643-3645             |
| regulations pertaining to  | 2781-2768  | must pay price, and remove goods,                     |                       |
| of mining claims, how marked                                       | 2002       | when  | 3643                  |
| of civil townships, how determined ....                            | 704        | entitled to inspect goods sold with war               |                       |
| <b>BOUNTY</b> -for tree planting                                   | 2405-2407  | ranty   | 3644                  |
| for killing wolves-county commission                               |            | to rescind for breach of warranty....                 | 3645                  |
| er may offer   | 2285       | for refusal of leave to inspect                       | 3644                  |
| claimant must make affidavit and                                   |            | of real property has lien for price, when             | 4436                  |
| produce scalps   | 2286       | damages for breach of contract by.                    | 4587, 4591            |
| county clerk shall destroy scalps ....                             | 2287       | value to, how reckoned in estimating                  |                       |
| blanks furnished by commissioners..                                | 2288       | damages See Sale- Seller. )                           | 4613                  |
| fee of county clerk  | 2289       | <b>BY BIDDING</b> -at auction, a fraud                | 3651                  |
| <b>BRANDS</b> -(See Marks and Brands.)                             |            | <b>BY-LAWS</b> -(See Corporations-TownsTownships.)    |                       |
| <b>BREACH</b> -(See Contract.)                                     |            | <b>CALENDAR</b> -of supreme court                     | 4821                  |
| <b>BRIBES</b> -defined   | 6966       | appeals dismissed may be reinstated                   |                       |
| elections, giving or receiving in ....                             | 6255, 6256 | on  | 4821                  |
| person guilty disfranchised  | 6284       | of district court, clerk to enter cases               |                       |
| election officer, giving or offering to ...                        | 6287       | on, when  | 5034                  |
| executive officer, giving or offering to..                         | 6299       | sheriff-to keep, of all persons commit                |                       |
| asking or receiving by   | 6300       | ted   | 7810                  |
| members of legislature, giving to                                  | 6321       | to furnish court with copy of                         | 7811                  |
| receiving by   | 6322       | to furnish United States with copy                    |                       |
| judges, jurors, referees, etc., giving to.                         | 6326       | of  | 7828                  |
| receiving by   | 6327,6328  | <b>CANCELLATION</b> -of grant of real prop            |                       |
| witness, giving or offering to                                     | 6371       | erty does not revest title                            | 3233                  |
| <b>BRIDGES</b> -(See Highways, Bridges and Ferries- Corporations.) |            | of written contract, effect of                        | 3594,3595             |
| <b>BRIDGE COMPANIES</b> -may be formed (See Corporations.)         | 3126       | of written instrument may be adjudged,                |                       |
| <b>BUILDING</b> -defined   | 6718       | when  | 4644                  |
| inhabited, defined as to arson                                     | 6719       | void on its face, not allowed                         | 4645                  |
| contiguous, what is  | 6726       | partial, may be adjdged                               | 4646                  |
| used as a dwelling house   | 6736-6747  | of acceptance by acceptor, when                       |                       |
| burning, not subject of arson-penalty.                             | 6890       | allowed   | 4535                  |
| blowing up with gunpowder, etc                                     | 6892       | of a~u~dgments  | 5107                  |
| is fixture to real estate  | 2681,3206  | <b>CANVASS OF VOTES</b> -(See Elections.)             |                       |
| public injury to, a felon .  | 6714       | <b>CARE</b> -degrees of defined                       | 4734                  |
| <b>BUILDING AND LOAN ASSOCIATIONS</b> -may be formed (See          |            | slight, required of gratuitous deposi                 |                       |
| Corporations.)   | 2900       | tary  | 3679                  |
| <b>BULL</b> -certain breeds prohibited from running at large       | 2280       | employe   | 3755                  |
| <b>BUOY</b> -removing  | 6904       | carrier of property                                   | 3844                  |
|  |            | ordinary, required of depositary for                  |                       |
|  |            | hire  | 3682                  |
|  |            | of hirer  | 3729                  |
|  |            | of employe for reward                                 | 3758                  |

# INDEX.

|  | Section.        |  | Section.        |
|--|-----------------|--|-----------------|
| <b>CARE.-Continued.</b>  |                 | <b>CARRIER-common.-Continued.</b>            |                 |
| great, required of borrower  | 3700            | compensation of                              | 3885            |
| of employe for his own benefit                                       | 3759            | obligation of, how modified by notice        |                 |
| of carrier of messages for reward....                                | 3880            | or agreement                                 | 3886            |
| utmost, required of carrier of persons                               |                 | cannot be relieved from certain liabilities  | 3887            |
| for reward   | 3838            | of persons, must carry luggage, when         | 3889            |
| (See Negligence.)  |                 | liability of, for luggage                    | 3891            |
| <b>CARELESSNESS</b> -(See Negligence.)                               |                 | must deliver luggage, when                   | 3892            |
| <b>CARGO</b> -shipmaster may act on behalf of owners, when           | 4015            | must provide sufficient accommo              |                 |
| may hypothecate, when  | 4017, 4017,4433 | dation                                       | 3893            |
| may sell, when   | 4019            | may demand fare, when                        | 3896            |
| may ransom, when   | 4020            | may eject passenger for non-pay              |                 |
| ceases to have authority over, when.                                 | 4021            | ment   | 3897            |
| sacrifice may be made for safety of                                  | 3871            | cannot demand payment after ejec             |                 |
| must be borne ratably by   | 3874            | tion   | 3897            |
| how valued on general average  | 3875            | has lien upon luggage                        | 3898            |
| hypothecation of (See Respondentia.) owner of, entitled to repayment |                 | of property, liability of                    | 3899            |
| from   |                 | exceptions to                                | 3899            |
| ship owner of amount paid under respondentia                         | 4435            | for negligence                               | 3900            |
| <b>CaRRIAGE</b> -contract of, defined                                | 3831            | for delay                                    | 3901            |
| different kinds of   | 3832            | marine, liability of                         | 3902            |
| of persons   | 3837            | liability on valuable packages               | 3904            |
| gratuitous   | 3835            | duties of, in respect to freight going       |                 |
| for reward   | 3838-3842       | beyond his route                             | 3905            |
| of property  | 3843            | must give evidence of cause of loss          | 3906            |
| of messages  | 3879            | obligations of, in other respects....        | 3907            |
| (See Carrier-Freightage-.Average-Bill of Lading.)                    |                 | of messages, must transmit, in what          |                 |
| <b>CARRIER</b> -defined  | 3833            | order  | 3908,3909       |
| Marine   | 3833            | penalty for improper delay                   | 3910            |
| Inland   | 3833            | has insurable interest                       | 4108            |
| without reward, obligations of                                       | 3835, 3836      | lien of                                      | 3898, 3898,4441 |
| of persons, gratuitous obligations of...                             | 3837            | damages for refusal of, to accept goods      | 4595            |
| for reward must use utmost care                                      | 3838            | for neglect of, to deliver goods             | 4596            |
| must provide safe vehicles   | 3839            | for delay of, in delivery                    | 4596            |
| must not overload vehicles   | 3840            | property of for purposes of mortgage         |                 |
| must give reasonable accomodations                                   | 3841            | regarded as located where                    | 4381            |
| must travel without delay  | 3842            | unclaimed property held by, sale of....      | 3852            |
| of property for reward must use ordinary care                        | 3844            | of passengers for hire, owner liable for     |                 |
| gratuitous must use slight care                                      | 3844            | acts of driver                               | 1353            |
| must obey orders   | 3845            | guilty of embezzlement when                  | 6798            |
| duties of, in case of conflicting orders                             | 3846            | issuing false bill of lading                 | 6866            |
| must not stow freight on deck  | 3847            | (See Carriage.)                              |                 |
| must not deviate   | 3847            | <b>CARTWAYS</b> -public-(See Highways, Bridg |                 |
| must not vitiate insurance on freight                                | 3847            | es and Ferries.)                             |                 |
| must deliver freight, where  | 3848, 3848,3849 | <b>CAUCUSES</b> -who may vote at             | 1524            |
| must give notice of arrival, when....                                | 3850            | <b>CAUSE OF ACTION</b> -several may be       |                 |
| may terminate liability, how   | 3851            | joined in one action, when                   | 4932, 4932,5433 |
| may place in warehouse, when   | 3851            | each must be separately stated               | 4932            |
| must give bills of lading  | 3855            | complaint must show facts constituting       | 4907            |
| may deliver freight to holder of bill of lading                      | 3856,3857       | when certain deemed to accrue                | 4858-4869       |
| may require bill of lading to be surrendered (See Bill of Lading.).. |                 | misjoinder of, ground for demurrer....       | 4909            |
|  | 3861            | <b>CEMETERY</b> -injury to, how punished..   | 6565            |
| freightage of, defined   | 3843            | wounding or trapping birds in                | 6889            |
| when payable   | 3862            | corporations may be formed (See              |                 |
| consignor, when liable for   | 3863            | Corporations.) ..                            | 3153            |
| consignee, when liable for   | 3864            | (See Burial.)                                |                 |
| on what not chargeable   | 3865            | <b>CERTIFICATE</b> -of marriage may be re    |                 |
| when apportioned   | 3866            | quired                                       | 2548            |
| in case of incomplete carriage                                       | 3868            | may be filed                                 | 2549            |
| in case of extra performance   | 3869            | must be acknowledged, when                   | 2551            |
| lien for (See Freightage.)   | 3870            | effect of, as evidence                       | 2552            |
| may throw freight overboard, when(See Average-Jettzson.)             | 3871            | of consent of apprenticeship, how given      | 2657            |
| of messages must deliver, how  | 3879            | of acknowledgment to be given, when          |                 |
| degree of care, etc., required of                                    | 3880            | and how                                      | 3288            |
| common, defined..  | 3881            | action for correction of                     | 3289            |
| must accept what is offered  | 3882            | of signature, etc., of officer taking ac     |                 |
| can give preference only to government                               | 3883            | knowledgegment                               | 3288            |
| must start, when   | 3884            | of stock, effect oftransferable              | 2915            |
|  |                 | in excess of capital, void                   | 2916            |
|  |                 | of incorporation                             | 2897            |
|  |                 | of corporate existence                       | 2905            |
|  |                 | that seaman exerted himself to the ut-       |                 |
|  |                 | most evident                                 | 3818            |



# INDEX.

|  | Section.         |   | Section.             |
|--|------------------|---|----------------------|
| <b>CERTIFICATE</b> -Continued.   |                  | <b>CHALLENGE</b> -Continued.                                      |                      |
| of loss, required by insurance policy, when excused                        | 4180             | to prize fight-defined  | 6680                 |
| of discharge of mortgage, how made..                                       | 4362, 4363       | penalty for   | 6687                 |
| may be recorded, and how   | 4364             | <b>CHANGE</b> -of possession not necessary                        |                      |
| of formation of special partnership, to be signed                          | 4074             | to mortgage   | 4346                 |
| must state what  | 4074             | necessary to pledge   | 4394                 |
| must be acknowledged   | 4075             | mortgagor may agree to, when                                      | 4358                 |
| must be filed  | 4075             | want of, raises presumption of fraud,                             |                      |
| must be published  | 4078             | when ....   | 4657                 |
| of change in special partnership, must be signed and filed                 | 4095             | of purpose, when not allowed                                      | 4699                 |
| in firm using fictitious name  | 4066             | of venue (See Place of Trial.)                                    |                      |
| of records, how to be made   | 5311             | of names of persons   | 5556, 5557           |
| of justice of the peace  | 5305             | of places   | 1120-1125, 5556-5558 |
| of service of summons-by sheriff   | 4903             | of corporation  | 2893                 |
| to purchaser of land sold for taxes  | 1626             | (See Names.)  |                      |
| to be canceled and filed, when   | 1642             | <b>CHARACTER</b> -threats of injury to avoid                      |                      |
| of location of mining claim (See Mines and Mining.)                        | 1999             | contract, when  | 3505                 |
| of election-(See Elections.)   |                  | protection from injury to   | 2526                 |
| of proof that will was duly executed, attached to will                     | 5675             | (See Libel and Slander.)  |                      |
| to be filed and recorded   | 5676             | <b>CHARGE</b> -upon property, when void against purchasers        | 3298                 |
| of probate of foreign will   | 5679             | not a revocation of prior will                                    | 3333                 |
| provisions of will lost or destroyed                                       | 5689             | of judge-to trial jury in civil actions                           | 5048, 5049           |
| to be filed and recorded with the evidence                                 | 5689             | to grand jury   | 7207                 |
| transcript of, under seal of court is evidence                             | 5757             | to petit jury in criminal actions..                               | 7370, 7405           |
| of acknowledgment-false made by public officer                             | 6424             | defense insanity-special charge                                   | 7439                 |
| forgery of   | 6749             | to jury, not to converse about trial, etc                         | 7400                 |
| making false is forgery  | 6754             | of court-in inquisition of insanity                               | 7568                 |
| <b>CERTIORARI</b> -on what grounds, when and by whom granted               | 5507             | exceptions to, how taken  | 7511                 |
| may issue in vacation  | 5534             | <b>CHARTABLE</b> - corporations may be formed (See Corporations.) |                      |
| ordinary rules of practice apply to  | 5535             | <b>CHARTER</b>  | 2900                 |
| objects and requisites of the writ   | 5510             | (See Corporations.)   |                      |
| how commenced  | 5508             | <b>CHARTERER</b> -has insurable interest, to what extent          | 4194                 |
| to whom directed   | 5509             | <b>CHARTER-PARTY</b> -defined and regulated                       | 3750                 |
| may or may not stay proceedings  | 5511             | shipmaster may bind ship in foreign port by                       | 4016                 |
| service of, same as summons in civil actions                               | 5512             | ship's mnager may bind ship by                                    | 4025                 |
| hearing of, may be at chambers   | 5534             | <b>CHATTEL</b> -interest, defined                                 | 2738                 |
| judgment on-limited to what....  | 5513, 5514       | real, defined..   | 2738                 |
| copy of sent below   | 5515             | (See Personal Property.) mortgage, record of                      | 624                  |
| roll, what constitutes   | 5516             | prohibited in insurance application                               | 3106, 3107           |
| new trial of   | 5536             | penalty for   | 3107                 |
| appeal in  | 5536             | <b>CHECK</b> -defined   | 4567                 |
| for diminution of the record   | 7513             | negotiable ...  | 4464                 |
| <b>CHALLENGE</b> -of voters  | 1453             | effect of delay in presentment of                                 | 4568                 |
| of judges of election to challenge, when                                   | 1462             | title of indorsee to  | 4568                 |
| to jurors-peremptory, how exercised  | 5039             | using false   | 6821, 6823           |
| for cause, on what grounds   | 5040             | (See Bill of Exchange-Negotiable Instrument.)                     |                      |
| tried by the court   | 5041             | <b>CHEESE</b> -defined  | 2251                 |
| in justice's court   | 6097, 6097, 6158 | sale of imitation   | 2248                 |
| to referees ...  | 5074             | <b>CHEROKEE CATTLE</b> -(See Texas Cattle.)                       |                      |
| of the grand jury-to the panel   | 7193, 7193, 7194 | <b>CHIEF JUSTICE OF SUPREME COURT</b> -is member of territorial   |                      |
| to individual juror  | 7193, 7193, 7196 | board of canvassers   | 1474                 |
| effect of challenge to panel   | 7195             | <b>CHILD</b> -abduction of, forbidden                             | 2531                 |
| may be oral or written   | 7197             | when presumed legitimate  | 2602                 |
| allowed or disallowed  | 7198             | of divorced parents, legitimacy of .....                          | 2555, 2573, 2574     |
| effect of allowance of challenge to juror..                                | 7199             | Custody of  | 2556, 2583           |
| effect of violation  | 7200             | support of  | 2556, 2556, 2584     |
| to be made before oath is administered                                     | 7201             | who may dispute legitimacy of                                     | 2603                 |
| to petit jury, in criminal actions (See Petit Jury, in Criminal Actions.). | 7337-7369        | who must support  | 2606, 2606, 2607     |
| a felony   | 6498             | who entitled to custody and earnings of                           | 2605, 2606           |
| to fight a duel-defined  | 6499             | allowance for support of  | 2607                 |
| attempting to provoke  | 6500             | parent has no control over property of                            | 2608                 |
|  |                  | abuse of parental authority over                                  | 2609                 |
|  |                  | when freed from parental authority....                            | 2610                 |

# INDEX.

|  | Section.   |  | Section.            |
|--|------------|--|---------------------|
| <b>CHILD</b> .-Continued.  |            | <b>CITATIONS</b> -to administrators-Continued. |                     |
| compensation of town, township or county, for support of         | 2611       | how served                                     | 5735                |
| third person may recover for necessities furnished to            | 2613       | to appear and give other security..            | 5740                |
| relative not entitled to compensation for support of             | 2614       | how served                                     | 5740,5953           |
| relations between step father and                                | 2615       | why estate should not be sold                  | 5823                |
| parent not entitled to compensation for                          |            | to render statement                            | 5890                |
| support of   | 2616       | on whose motion                                | 5891                |
| not liable for services of                                       | 2616       | personal notice given by, when                 | 5954                |
| may relinquish right of control over.                            | 2617       | delay for appearing and answering ...          | 5955                |
| may change residence of  | 2619       | to answer writ of error                        | 844-1015            |
| not answerable for acts of                                       | 2620       | <b>INCORPORATION</b> and re-incorporation un   |                     |
| custody of, may be granted to its                                |            | der general act                                | 844-851             |
| mother   | 2621       | election for                                   | 845, 845,846        |
| must maintain poor parent  | 2612       | record of to be filed with register of         |                     |
| may receive its own wages, when                                  | 2618       | deeds and secretary of territory..             | 850                 |
| adoption of (See Adoption.)                                      | 2616       | rights of old corporation to vest in new       | 849,                |
| rights of unborn..   | 2511       | <b>CORPORATE LIMITS</b>                        | 1008-1010           |
| birth of. revokes will, when                                     | 3330       | plat to be recorded with register of deeds     | 1010                |
| born after will takes by succession,                             |            | extension or restriction of                    | 1008,1009,1114-1119 |
| when   | 3337       | <b>ELECTIONS</b> -for incorporation and re-    |                     |
| taken as one of a class, when                                    | 3365       | incorporation                                  | 844-845             |
| illegitimate, who succeed to property of                         | 3404       | for city officers                              | 944-954             |
| succeeds to mother's property, when                              | 3403       | qualification and registration of voters       | 946                 |
| duress of, avoids contract of parent,                            |            | <b>COUNCIL</b> -of whom composed               | 869                 |
| when   | 3504       | is judge of its own members                    | 874                 |
| menace of injury to, avoids contract of                          |            | may expel members                              | 875                 |
| parent, when   | 3505       | quorum   | 876.                |
| (See Minor-Parent and Child.) may occupy homestead when, and how |            | meetings                                       | 877                 |
| long   | 5778       | president and vice-president                   | 878                 |
| what personal property deliverable to..                          | 5772       | vote-how recorded                              | 880                 |
| additional allotment to, when                                    | 5779       | rescinding                                     | 881                 |
| shares of, in division of personal proper                        |            | reports of committees, when con                |                     |
| ty   | 5784       | sidered  | 882                 |
| whole estate assigned to, when                                   | 5785       | jurisdiction outside of city limits,           |                     |
| widow's share to, when   | 5786       | when   | 883                 |
| pauper-legal settlement of                                       | 2144       | adoption of ordinances                         | 884                 |
| may be bound out   | 2165       | general powers enumerated                      | 885                 |
| to be educated ..  | 2169       | to levy taxes, how and when                    | 922                 |
| right of to occupy homestead                                     | 2463       | to make appropriations, how and                |                     |
| incapable of crime, when   | 6215       | when   | 956, 956,957        |
| carnal abuse of, not defensible by plea                          |            | must not exceed appropriation                  | 958                 |
| of subjection  | 6221       | powers pertaining to local improve             |                     |
| rape perpetrated on  | 6521       | ments and special assessments.                 | 959-999             |
| abandonment of   | 6536       | to sewerage                                    | 1000-1007           |
| neglect to provide for   | 6537       | to extension of corporate limits.              | 1114-1119           |
| killing unborn   | 6451, 6452 | <b>MAYOR</b> -qualifications                   | 852                 |
| hours of labor for   | 6931       | vacancies, how filled                          | 853, 854            |
| pretense to birth of   | 6413       | pro tem  | 855                 |
| substitution of  | 6414       | votes only in case of tie                      | 857                 |
| death of-attempt to conceal                                      | 6947       | may remove officers                            | 858                 |
| <b>CHILD STEALING</b> -punishment for...                         | 6541       | has power to keep the peace                    | 859                 |
| J' urisdiction of  | 7103       | may release prisoners                          | 860                 |
| <b>CHOOSE IN ACTION</b> -(See Thing in Action.)                  |            | power to inspect records, etc., of city        |                     |
| <b>CHURCH CORPORATIONS</b> - may be formed (See Corporations.)   | 2900, 3146 | ofcers   | 862                 |
| <b>CHURCHES</b> -injuring house of worship or contents           | 6891       | messages to council                            | 863                 |
| <b>CIRCUMSTANCES</b> -contract to be interpreted by surrounding  | 3562       | power to call out militia                      | 864                 |
| <b>CIRCUMVENTION</b> -contract obtained                          |            | misconduct, how punished                       | 865                 |
| by, not specifically enforced                                    | 4633       | may appoint committee to revise or             |                     |
| <b>CITATIONS</b> -in probate court, requisites of                | 5952       | dinances                                       | 866                 |
| how served   | 5953       | veto power..                                   | 867                 |
| time of service  | 5955       | power to appoint police                        | 868                 |
| to show cause why probate of will                                |            | compensation, how fixed                        | 900                 |
| should not be revoked  | 5681       | may administer oaths                           | 903                 |
| to sureties on administrator's bond, to                          |            | shall sign bonds, conveyances and              |                     |
| appear and be examined   | 5731       | contracts                                      | 999                 |
| to administrator and executor-to show cause, etc.                | 57.15      | <b>ALDERMEN</b> -number of                     | 870                 |
|  |            | term of  | 871                 |
|  |            | vacancies, how filled                          | 872                 |

# INDEX.

|   | Section.      |  |                 |
|---|---------------|--|-----------------|
| <b>CITIES</b> -aldermen.-Continued. compensation, how fixed       | 901           | treasurer  | 888             |
| classification as to terms of office....                          | 947           | proceedings in case of violation ....                        | 886, 886,888    |
| <b>AUDITOR</b> -duties of   | 904,906       |  | Section.        |
| may administer oaths  | 903           | <b>CITIES</b> -Continued.                                    |                 |
| draws warrants  | 904           | FINANCE  | 955-958         |
| reports to council  | 905           | 'fiscal year begins, when                                    | 955             |
| duties pertaining to contracts                                    | 906           | general appropriation, how made....                          | 956             |
| method of accounts  | 906           | special appropriations for improve                           |                 |
| duties pertaining to equalization ...                             | 918, 918,921  | ments, how made  | 957             |
| extends taxes on list   | 922           | <b>EQUALIZATION</b> , board of-composed of                   |                 |
| notifies persons elected  | 951           | whom   | 918             |
| duties pertaining to local improve                                |               | general duties   | 919, 919,920    |
| ments and special assessments...                                  | 959-999       | <b>LOCAL IMPROVEMENTS</b>                                    | 959-999         |
| countersigns bonds, conveyances andcontracts .                    | 999           | commissioners for, how appointed.                            | 960,961         |
| duties pertaining to sewerage ....                                | 1000-1007     | general duties   | 962-965         |
| <b>TREASURER</b> -general duties                                  | 908           | damages for how paid   | 967-969         |
| pays money only upon warrants or coupons                          | 909, 909,910  | proceedings when improvement is to                           |                 |
| must keep separate account with each fund .                       | . 911,915     | be made  | 968             |
| must give duplicate receipts                                      | 912           | appeal to district court                                     | 969             |
| prohibited from using city moneys...                              | 913           | survey and profile   | 970             |
| reports to city council   | 914           | streets and alley s, vacation of                             | 971, 971,972    |
| registers redeemed warrants                                       | 914           | improvement of   | 973-976         |
| in connection with auditor, apportions funds received from county |               | assessments for, how made and paid                           | 974, 974,975    |
| treasurer   | 924           | sale of real estate for                                      | 983-995         |
| duties pertaining to local improvements and special assessments   | 959-999       | private  | 989             |
| to sewerage tax   | 1006          | tax deed   | 990, 992, 993   |
| <b>ATTORNEY</b> -duties of  | 907           | redemption .   | .990            |
| <b>ENGINEER</b> -qualification and duties....                     | 941           | rights of part owner to redeem.                              | 991             |
| duties pertaining to grade of streets                             |               | limitation of action for recovery .                          | 995             |
| and construction of sidewalks ....                                | 976, 976,979  | bonds may be issued  | 996             |
| to sewerage   | 1000-1007     | regulations concerning                                       | 997-999         |
| <b>ASSESSOR</b> -duties of-how governed..                         | 916, 917      | streets, grade of, how established....                       | 976             |
| (See Assessment and Taxation.)                                    |               | sidewalks, building and repairing..                          | 977-982         |
| <b>JUSTICES OF THE PEACE</b> -jurisdiction.                       | 889, 925      | city pays for repairs, when                                  | 981             |
| shall issue warrants, when  | 926           | penalty for failure of owner to repair                       | 982             |
| may postpone trial  | 928           | <b>SEWERAGE</b>  | 1000-1007       |
| summoning witnesses   | 929           | construction, alteration and repair                          | 1001,1002       |
| trials, how governed  | 930, 931, 938 | contracts for  | 1003, 1003,1004 |
| cannot remit fines  | 934           | bonds may be issued  | 1005            |
| imprisonment for flues  | 931           | special committee, appointment and                           |                 |
| court always open, except Sundays....                             | 932           | duties   | 1006            |
| appeals   | 933           | assessment, how made and enforced.                           | 1006            |
| vacancies, how filled   | 935           | proceeds, how applied  | 1006            |
| duty in case of malicious prosecution.                            | 936           | <b>CITIES</b> -(in general).                                 |                 |
| general powers  | 937           | corporate limits, extension or restriction ...               | 1114-1119       |
| office hours  | 939           | <b>COUNCIL</b> -to transmit rate of tax levy to county clerk | 1162            |
| (See Justice of the Peace-Justice's Court.)                       |               | duties pertaining to sites located onpublic lands            | 1168-1188       |
| <b>POLICE</b> -appointment of                                     | 868           | to roads on boundary lines                                   | 1343-1345       |
| powers and duties   | 942           | to change of wards   | 1126-1130       |
| execution of warrants   | 943           | to establishment of public libraries                         | 1142-1148       |
| <b>OFFICERS</b> In general-how punished formisconduct             | 865           | to selection of J urors                                      | 453,459         |
| elective hold two years   | 892           | licensing of laundries                                       | 2436-2442       |
| appointive, hold two years  | 894           | sale of intoxicating liquors                                 | 2208, 2208,2209 |
| oaths and bonds   | 895           | of passage tickets   | 3022            |
| how commissioned  | 896           | <b>CLERK</b> -duties pertaining to selection of jurors       | 452, 454        |
| eligibility   | 897           | to certifying tax levied by board of education               | 1860            |
| must not be interested in contracts.                              | 898,1015      | to notifying persons elected on board of education           | 1875            |
| can hold only one city office                                     | 899           | to bonds issued to refund school indebtedness                | 1154            |
| compensation, how fixed   | 900-902       | to duplicating lost bonds                                    | 1684-1687       |
| when terms begin  | 953           | to granting laundry licenses..                               | 2439            |
| when office becomes vacant  | 954           | to securing insurance tax for benefit of fire department     | 1137            |
| (See Officers.)   |               | reports statistics to commissioner ofimmigration             | 114             |
| <b>ORDINANCES</b> -how passed                                     | 884           | marriage certificates may be filed with                      | 2549            |
| flues and forfeitures under paid to                               |               | <b>TREASURER</b> - is treasurer of board of                  |                 |
|   |               | education, when  | 1864-1865       |

# INDEX.

|   | Section.         |   | Section.        |
|---|------------------|---|-----------------|
| <b>CITIES</b> (in general)-treasurer-- <i>Continued.</i>          |                  | <b>CLAIM AND DELIVERY</b> .- <i>Continued.</i>                |                 |
| payment of warrants of board of education                         | 1889--1891       | claims of property in, by third person,how treated            | 4982            |
| may call in city bonds for payment                                | 1681-1683        | sheriff to return papers and proceedingsto court              | 4983            |
| duties pertaining to road taxes                                   | 1167             | limitation of action  | 4850            |
| compensation, how fixed   | 1165             | form of verdict in  | 5063            |
| ASSESSOR -makes returns to county clerk                           | 1161             | judgment in   | 5099            |
| POLice-to make complaint for unlaw                                |                  | in justice's court  | 6071            |
| and sale of liquor  | 2220             | <b>CLERGYMAN</b> -solemnization of unlaw                      |                 |
| TaxEs-how levied and collected..                                  | 1161-1166        | ful marriage by   | 6627            |
| for road purposes, how collected and                              |                  | not compelled to give testimony, except                       | 5313            |
| accounted for   | 1167             | <b>CLERK OF DISTRICT COURT</b> -appointment                   | 439             |
| regulations and restrictions concerning                           | 1155-1160        | bond  | 1374            |
| INDEBTEDNEss-limitation of  | 1160             | fees of. .  | 1406            |
| BONDs-may be issued for what purposes                             | 1149             | may require in advance  | 1436            |
| how issued  | 1150             | must keep table of, posted                                    | 1437            |
| for refunding bonded school indebtedness                          | 1151-1154        | may appoint deputy  | 1397            |
| WaRDS-how changed   | 1126-1130        | duties of, in general   | 439-442         |
| bTREETS AND ALLEYS - location and vacation                        | 1131--1134       | penalty for neglect of duty                                   | 440, 461        |
| RoADs-power of authorities regarding.                             | 1313             | adjourn court, when   | 442             |
| WVATER-woRKS and fire-apparatus-authority to purchase, lease,     |                  | duties of in drawing jurors in counties                       |                 |
| maintain, etc   | 1135,1136        | without township organization...                              | 446-449         |
| FIRE DEPARTMENT-insurance tax in aid of                           | 1137-1141        | in counties with township organization                        | 454-459         |
| <b>CIVIL ACTION</b> -(See Action.)                                |                  | in judicial sub-division of more than one county              | 460             |
| <b>CIVIL DEATH</b> -imprisonment for life regarded as             | 6956             | may issue process when other county                           |                 |
| absence for seven years regarded as, when                         | 5312             | is attached for judicial purposes                             | 422             |
| <b>CIVIL REMEDIES</b> -not affected by penal code                 | 6981             | may administer oaths  | 487             |
| classified  | 4810             | to keep notarial records, when                                | 502             |
| not merged in criminal  | 4816             | records seal of notary public                                 | 504             |
| <b>CIVIL RIGHT</b> -classified                                    | 2506             | shall certify to official character of notaries               | 504             |
| how waived  | 2507             | of justices of the peace                                      | 3288            |
| nsponded during imprisonment                                      | 6955             | duties pertaining to highway appeals..                        | 1327            |
| <b>CIVIL TOWNSHIP</b> (See Townships.)                            |                  | to give notice of applications to dissolve corporations       | 2938            |
| <b>CLAIM</b> -against counties and townships                      | 800-803          | change of partnership interest to be registered with          | 4047            |
| no personal-notice of   | 4896             | to file certificate of partnership using fictitious names     | 4066            |
| of third persons-to property attached 5002 to property seized iII |                  | register of firms, etc., using fictitiousnames, to be kept by | 4070            |
| execution   | 5125             | duties pertaining to appeal to supreme court                  | 5215-5232       |
| adverse in case of garnishment                                    | 5182             | enters "secured on appeal"on judgment docket, when            | 5104            |
| against real estate, limitation of..                              | .4834, 4834,4837 | depository of damages assessed by railroad commissioners      | 3000            |
| action to determine   | 5449, 5449,5461  | to transmit copy of report for record.                        | 3000            |
| against estates of deceased persons (See Probate Court.)          | 5787-5811        | in arrest and bail, receives deposit                          | 4964            |
| buying to sue on, by attorney                                     | 6396             | to refund deposit when bail approved                          | 4965            |
| by justice or constable   | 6396             | to apply deposit to satisfaction of                           |                 |
| loaning money on, on condition of collecting same                 | 6397             | judgment, when  | 4966            |
| <b>CLAIM AND DELIVERY</b>   | 4972-4983        | in attachment, issues warrant of, how.                        | 4994            |
| may be had in what case   | 4972             | may issue several writs at same time                          | 4997            |
| on claimant's affidavit and bond..                                | 4973-4975        | may order appraisal   | 5010            |
| plaintiff makes the order for                                     | 4974             | may approve bond and discharge....                            | 5010            |
| undertaking-conditions of   | 4975             | prepares tickets and draws jury ...                           | 5037, 5037,5038 |
| sheriff executes the order, how                                   | 4975-4981        | duties of in selection of struck jury                         | 5042, 5043      |
| to serve on defendant notice, undertaking, etc                    | 4975             | calls names of jurors on rendering verdict                    | 5058            |
| defendant may object to sufficiency of                            |                  | reads verdict to jury and inquires, etc.                      | 5058            |
| sureties  | 4976             | may be amerced, when  | 5168, 5168,5169 |
| sureties to justify   | 4976             | must enter amercements on records of courts                   | 5171            |
| property delivered to defendant on his undertaking                | 4977             | to enter verdict in minutes of court....                      | 5064            |
| defendant's sureties to justify, how                              | 4978-4979        | certificate of, must be under seal                            | 5311            |
| sheriff to preserve property and deliver                          |                  | may receive notice for non-resident                           |                 |
| to person entitled  | 4981             | party, when   | 5334            |
|   |                  | funds of unknown party invested in                            |                 |
|   |                  | name of   | 5398, 5398,5399 |

# INDEX.

|   | Section.                             |  | Section.                        |
|---|--------------------------------------|--|---------------------------------|
| <b>CLERK OF DISTRICT COURT.-Continued.</b>                          |                                      | <b>CLERK OF DISTRICT COURT.-Continued.</b>                 |                                 |
| to administer funds of unknown party,how                            | 5401                                 | duties of, pertaining to execution of judgment             | 7474, 7480, 7486                |
| maybe mortgagee for unknown party,how                               | 5387                                 | duties of, pertaining to writs of error in criminal action | 7506, 7509, 7510, 751           |
| to be notified regarding abstract of title in partition proceedings | 5408                                 | must issue subpoena for defendant in                       |                                 |
| to transmit judgment in certiorari                                  | 5515                                 | criminal action without charge                             | 7530                            |
| verdict in mandamus   | 5525                                 | duties of, pertaining to depositions in                    |                                 |
| to issue summons in case of bastardy..                              | 5561                                 | criminal action  | 7552, 7557, 7561                |
| execution, when   | 5116                                 | is custodian of criminal records                           | 7473, 7486, 7498, 7524          |
| enters confirmation of sale, how                                    | 5149                                 | to minute the orders decisions, judg                       |                                 |
| issues subpcena for witnesses.                                      | 5316, 5261, 5263                     | ments, and proceedings of the court                        | 7198,7313, 7435                 |
| may take depositions  | 5285                                 | duty and proceedings to remove                             | 7094                            |
| receives and opens depositions, how                                 | 5292, 5320                           | in arraignment of defendant                                | 7277, 7278, 7.280               |
| to receive, file, and keep papers and                               |                                      | in change of yenue-transmissal of record                   | 7314, 7317                      |
| records in claim and delivery                                       | 4983                                 | in impanelling trial jury .....                            | 7324, 7328, 7331, 7332, 7334 to |
| bills of exception  | 5085                                 | read indictment to jury at trial                           | 7.370                           |
| summons and pleadings   | 5335                                 | to pay over money deposited as bail...                     | 7011                            |
| agreement to compensate life tenant, when                           | 5388                                 | <b>CLERK OF SUPREME COURT-may administer oaths</b>         | 487                             |
| report of referees-to make sale                                     | 5394                                 | to issue citation to adverse party in                      |                                 |
| appointment of receiver   | 5180                                 | writs of error in criminal action                          | 7512                            |
| notices of liens  | 5472,5476                            | <b>CODICIL</b> -referring to previous will republishes it  | 3316                            |
| dockets judgments, how  | 5104, 5104,5105                      | revoked by revocation of will                              | 3336                            |
| enters assignment of judgments                                      | 5106                                 | governed by law of wills                                   | 3396                            |
| enter judgments of justice of peace, how                            | 5108                                 | <b>COHABITATION</b> -when a bar to divorce                 | 2553                            |
| cancel and discharge judgment liens,how                             | 5107                                 | <b>COIN</b> -counterfeiting with intent to utter           |                                 |
| make up and file judgment roll                                      | 5103                                 | in territory is forgery                                    | 6763                            |
| certify judgments of record   | 5371                                 | with intent to export is forgery                           | 6764                            |
| keep a register of actions  | 5344                                 | having counterfeit, in possession                          | 6771                            |
| enter causes in calendar, how                                       | 5034                                 | counterfeit, uttering                                      | 6773                            |
| must approve surety of non-resident                                 |                                      | <b>COLLATERAL WARRANTIES</b> -abolished                    | 3254                            |
| plaintiff, when   | 5207                                 | <b>COLLECTION</b> -effect of guaranty of....               | 4282                            |
| costs taxed by  | 5189                                 | <b>COLLISION</b> -rules for avoiding                       | 2885                            |
| on notice   | 5192                                 | owner of vessel in fault cannot recover                    |                                 |
| to include interest   | 5196                                 | compensation for   | 2886                            |
| to enter judgment, how  | 5095, 5095,5102                      | losses caused by, how to be borne                          | 2888                            |
| to keep a judgment book   | 5101                                 | <b>COLLUSION</b> -defined                                  | 2568                            |
| judgment docket   | 5104, 5105                           | proved, defeats divorce                                    | 2566                            |
| duties pertaining to reference of claims                            |                                      | <b>COMMERCIAL PAPER</b> -(See Negotiable Instrument.)      |                                 |
| against estates   | 5805                                 | <b>COMMISSIONER OF DEEDS</b> -proof or                     |                                 |
| must certify to official character of jus                           |                                      | acknowledgment of instruments before                       | 3279                            |
| tice of peace, when   | 6056                                 | duties of, in taking proof, etc                            | 3281, 3281,3287                 |
| mutilating, defacing or concealing                                  |                                      | <b>COMMISSIONER OF IMMIGRATION</b>                         |                                 |
| record  | 6348,6372                            | appointment of   | 104                             |
| embezzling money or property in his custody                         | 6372                                 | oath and bond  | 115                             |
| must not permit inspection of presentments                          | 6406                                 | general duties   | 106, 106,107                    |
| conniving at escape of prisoners                                    | 6373                                 | ex-officio statistician                                    | 108                             |
| making false certificate or statement                               | 6424                                 | monthly and biennial reports of                            | 109                             |
| administering false oaths   | 6383                                 | may be removed by the governor                             | 110                             |
| must not disclose indictment  | 6418                                 | salary and expenses  | 111,11.2                        |
| enter in minutes court's decision regarding challenge               | 7204                                 | certain officers to report statistics ....                 | 113-115                         |
| may issue bench warrant, when                                       |                                      | to furnish blanks for statistics                           | 116                             |
| .....   | 7228,7229,7266,7267, 7269, 7459-7461 | <b>COMMISSIONERS OV'INSANITY</b> -(SeeInsane.)             |                                 |
| subject to removal, for what causes                                 | 7081, 7095                           | <b>COMMISSIONERS OF TERRITORY</b>                          |                                 |
| must file and keep indictment as public record                      | 7237                                 | appointment and duties                                     | 489-493                         |
| to read indictment and state plea thereon, when                     | 7204                                 | <b>COMMISSION MERCHANTS</b> -taxationof                    | 1555                            |
| to transmit copy of indictment, etc., to district attorney, when    | 7392                                 | <b>COMMITMENT</b> - warrant of, what to contain            | 7051                            |
| to interrogate jury regarding verdict..                             | 7419                                 | of defendant for examination                               | 7167                            |
| to record verdict   | 7435                                 | after examination  | 7176                            |
| to file what papers as record of criminal action                    | 7473                                 | for appearance for trial                                   | 7407                            |

# INDEX.

|  | Section.        |   | Section.        |
|--|-----------------|---|-----------------|
| <b>COMMITMENT</b> -of defendant.- <i>Continued.</i>            |                 | <b>COMPLAINT</b> .- <i>Continued.</i>                 |                 |
| after rendition of verdict                                     | 7437            | must be subscribed by plaintiff or his                |                 |
| after decree of insanity                                       | 7571            | attorney  | 4921            |
| when bail not given  | 7178,7179       | is demurrable, when                                   | 4909            |
| form of  | 7180            | maybe verified or not                                 | 4921, 4921,4922 |
| copy of to be furnished to prisoner....                        | 7852            | need not be served unless demanded...                 | 4895            |
| of witnesses   | 7184,7186       | may be served by publication, when..                  | 4900            |
| of fugitives from justice                                      | 7637, 7637,7638 | may be stricken out on plaintiff's refusal to testify | 5257            |
| of youth to reform school, term of                             | 7784            | demands of, limit the relief sought                   | 5097            |
| until majority   | 7785            | intervention must be by                               | 4886            |
| for contempt (See Attachment.)                                 |                 | amended must be served                                | 4911            |
| <b>COMMON CARRIER</b> -(See Carrier.)                          | 3881-3888       | supplemental  | 4942            |
| <b>COMMON LAW</b> -what  | 2503            | to review judgment, when                              | 4882            |
| divisions of   | 2503            | in bastardy proceedings                               | 5560            |
| evidence of, where found                                       | 2504            | may set up several distinct causes of action          | 4932            |
| where non-existent   | 2505            | each cause to be stated separately..                  | 4915, 4915,4932 |
| statutes in derogation of, not to be                           |                 | account, how pleaded in                               | 4923            |
| strictly construed   | 4763            | judgment, how pleaded in                              | 4926            |
| excluded by code   | 4802            | performance of conditions precedent..                 | 4927            |
| as applied to penal code                                       | 6209            | private statute                                       | 4928            |
| prevails when code is silent                                   | 7663            | in libel and slander, what to aver                    | 4929            |
| <b>COMMUNICATION</b> -privileged                               | 2530            | description of real property, how stated in ....      | 5451            |
| of consent, essential to contract                              | 3500            | when and where to be filed                            | 5335            |
| may be made, how   | 3516            | in case of search warrant                             | 7616            |
| deemed complete, when  | 3518            | when controverted                                     | 7627            |
| upon insurance, what must be made...                           | 4121            | in justice's court (See Justice's Court.)             |                 |
| what need not be made  | 4122            | <b>COMPOUNDING</b> -crimes, what is                   | 6385            |
| of nature, etc., of interest, not required, when               | 4126            | prosecutions, what is                                 | 6386            |
| of judgment upon facts, not necessary                          | 4128            | indictment for  | 7262            |
| upon re-insurance, what required                               | 4184            | <b>COMPROMISE</b> -offer of, in civil actions         | 5246-5249       |
| upon marine insurance, what required.                          | 4195            | of misdemeanor-when allowable                         | 7575            |
| of acceptance of offer to guaranty,necessary                   | 4278            | conditions of   | 7576, 7576,7578 |
| (See Representation-Concealment.)                              |                 | order for bar to further prosecution..                | 7577            |
| <b>COMMUTATIONS</b> -(See Pardons.).                           | 7596-7603       | <b>COMPUTATION</b> -of time-allowed for doing an act  | 4805            |
| <b>COMPENSATION</b> -may cure delay, when                      | 3465            | constituting period of limitation....                 | 4804            |
| for errors of description, agreement for,                      |                 | of notice to probate will                             | 5664            |
| does not prejudice rescission, when..                          | 3590            | of interest on judgments                              | 5791            |
| for storage, rate of   | 3683            | (See Time.)   |                 |
| finder entitled to, when                                       | 3691            | <b>CONCEALED WEAPONS</b> -carrying, a misdemeanor     | 6658            |
| of ship's manager  | 3828            | <b>CONCEALMENT</b> -when fraudulent in ordinary cases | 3507,3599       |
| officious person not entitled to                               | 3829            | by trustee, when fraudulent                           | 3921, 3921,3927 |
| contract for more than two years' ser                          |                 | by partner, when fraudulent                           | 4037            |
| vice may furnish measure of                                    | 3760            | <b>CONDITIONS</b> -of ownership                       | 2712, 2712,2716 |
| of trustee   | 3950            | (See Insurance.) species of                           | 2713, 2713,3428 |
| partner not entitled to  | 4039            | restraining marriage, when void                       | 2715,           |
| lienor not entitled to   | 4334            | alienation, when void                                 | 2716            |
| the relief generally given by law                              | 4573            | of power, when may be disregarded....                 | 2839            |
| for mistake, when allowed on specific                          |                 | when must be observed                                 | 2340            |
| performance  | 4633            | of delivery of grant to grantee, void....             | 3231            |
| for partial failure to perform, on specific performance        | 4634            | grant maybe delivered to third person on              | 3232            |
| may be required on rescission, when...                         | 4643            | will may be denied probate according to               | 3312            |
| of assignee, for benefit of creditors                          | 4678            | precedenteffect of unlawful, etc...                   | 2714, 2714,3434 |
| mutual judgments compensate each other                         | 5109, 5109,5458 | in will, defined                                      | 3372            |
| in making partition  | 5388, 5389      | effect of   | 3373            |
| to equalize shares (See Damages-Employe-Interest-Seaman-Ship's |                 | when deemed performed                                 | 3374            |
| Man-ager-Salvage-Shipmaster-Trustee.)                          | 5402            | in obligation defined                                 | 3429            |
| of public officers, etc. (See Fees andSalaries.)               |                 | when must be performed                                | 3432            |
| <b>COMPLAINT</b> -is plaintiff's first pleading                | 4906            | concurrent, in obligation, defined                    | 3430            |
| form of title of action and court                              | 4907            | when must be performed                                | 3430            |
| what to contain, generally                                     | 4907            | subsequent, in will, defined                          | 3375            |
| in action for usurping office                                  | 5350            | in obligation, defined                                | 3431            |
| to foreclose mortgage  | 5424            | effect of   | 3431            |
| of partition   | 5363            | involving forfeiture, strictly construed              | 3435            |

# INDEX.

|   | Section.        |  | Section.  |
|---|-----------------|--|-----------|
| <b>CONDITIONS-Continued.</b>  |                 | <b>CONSENT-to contract.-Continued.</b>                                     |           |
| offer of performance may be made on, when                                   | 3467-3471       | communication of, how made   | 3516      |
| of proposal must be fulfilled by acceptance                                 | 3517            | what mode of, is necessary   | 3517      |
| performance of, is acceptance   | 3519            | when complete  | 3518      |
| failure to perform, revokes proposal  | 3522            | performance of conditions of proposal is                                   | 3519      |
| what, may be in negotiable instrument                                       | 4457            | acceptance of consideration of proposal is                                 | 3520      |
| performance of, necessary before application for specific enforcement....   | 4034            | of proposal must be absolute to constitute                                 | 3520      |
| precedent, how pleaded  | 4927            | of benefit of transaction is   | 3524      |
| to action for damages for stock killed or crippled by railroad              | 5502,5503       | proposal may be revoked before (See Proposal.)                             | 3521      |
| <b>CONDITIONAL-delivery of grant, how made</b>                              | 3232            | voidable, may be ratified  | 3523      |
| devise or bequest, defined  | 3371            | may be rescinded   | 3589      |
| vests, when   | 3373            | of all partners necessary to admission of new partner                      | 4029      |
| obligation, defined   | 3427            | of principal in guaranty, not necessary                                    | 4274      |
| rights of parties to  | 3433            | of debtor necessary to withdrawal of pledge made for his benefit, when.... | 4400      |
| how interpreted   | 3435            | (See Duress-Mistake-Undue Influence.)                                      |           |
| offer of performance, when void   | 3467            | <b>CONSIDERATION-defined</b>   | 3530      |
| obligation, liability of guarantor of                                       | 4285            | legal obligation, how far good   | 3531      |
| limitation, what is to be deemed a (See Condition-Obligation-Will.)         | 2751            | moral obligation, how far good   | 3531      |
| <b>CONDONATION-of conjugal offenses..</b>                                   | 2569            | must be lawful   | 3532      |
| <b>CONFESSION-of judgment, how executed</b>                                 | 5537, 5537,5539 | when unlawful  | 3577      |
| how entered in justice's court  | 6102            | effect of illegality in  | 3533      |
| partners cannot, when   | 4045            | executed or executory  | 3534      |
| <b>CONFINEMENT-unlawful or fraudulent avoids contract (See Duress.)....</b> | 3504            | executory, by what rules governed  | 3535      |
| <b>CONFIRMATION-of sheriff's sale</b>                                       | 5149            | need not be specified  | 3535      |
| of all sales in administration before title passes                          | 5813            | how ascertained  | 3535      |
| of partnership property   | 5818            | effect of impossibility of ascertaining                                    | 3536      |
| of real estate-conditions of  | 5834-5844       | not necessary to transfer  | 3223      |
| of report of commissioners  | 5738            | failure of, when ground for rescission..                                   | 3589      |
| order of, to state what   | 5840            | presumed in case of acceptance and indorsement                             | 4470      |
| <b>CONFLICTING CLAIMS-</b>  |                 | want of, for negotiable instrument,  |           |
| to real estate, actions to determine  | 5449-5464       | when no defense  | 4486      |
| <b>CO NNIVANCE-of parties defeats action for divorce</b>                    | 2566            | contract for inadequate, not specifically enforced ..                      | 4633      |
| <b>CONSENT-to marriage</b>  | 2533-2536       | <b>CONSIGNEE-defined</b>   | 3843      |
| who may give  | 2535            | carrier must obey, when  | 3845      |
| what it must be   | 2536            | freight to be delivered to   | 3848      |
| want of real, cause for divorce   | 2553            | notice to be given to  | 3850      |
| to separation, sufficient consideration..                                   | 2592            | not found, delivery to   | 3850      |
| to adoption of child  | 2624-2626       | liable for freightage, when  | 3864      |
| to apprenticeship   | 2657            | acceptance of part performance by, effect of                               | 3868      |
| to transfer of apprentice   | 2673            | assent of, to special contract, how proved                                 | 3888      |
| to execution of power   | 2841, 2841,2842 | <b>CONSIGNOR-defined</b>   | 3843      |
| how given..   | 2841            | carrier must obey, when  | 3845      |
| husband need not give   | 2851            | presumed to be liable for freightage...                                    | 3863      |
| to contract   | 3500-3524       | assent of, to modification of carrier's obligation, how proved             | 3888      |
| must be free, mutual and communicated                                       | 3500            | may stop goods in transit, when  | 4451      |
| effect of want of freedom in  | 3501            | <b>CONSPIRACY-defined</b>  | 6425      |
| apparent, when not free   | 3502            | what necessary to convict of   | 7383      |
| when deemed obtained through fraud, etc                                     | 3503            | trial of accomplice in   | 7384      |
| duress in obtaining, defined  | 3504            | against mines  | 6926      |
| menace in obtaining, defined  | 3505            | fraudulent concealment of property...                                      | 6407      |
| fraud, actual, in obtaining, defined  | 3507            | against peace of the territory   | 6426      |
| constructive, in obtaining, defined (See Fraud.)                            | 3508            | overt act necessary, when  | 6427      |
| undue influence in obtaining, defined.                                      | 3510            | when a misdemeanor   | 6425      |
| mistake in giving, defined  | 3511            | <b>CONSTABLE-elective county officer..</b>                                 | 574       |
| of fact in giving, defined  | 3512            | oath and bond (See Officers.) to account to county board                   | 615       |
| of law in giving, defined   | 3513            | failure-penalty for  | 617       |
| of foreign law in giving, is mistake of fact                                | 3514            | fees of, same as those of sheriff ....                                     | 1409,1421 |
| when deemed mutual  | 3515            | may demand in advance  | 1436      |
|   |                 | to keep fee bill posted  | 1437      |
|   |                 | to enter complaint against liquor dealer, when                             | 2209      |
|   |                 | for selling unwholesome food ....  | 2246-2250 |

# INDEX.

|   | Section.        |  | Section.  |
|---|-----------------|--|-----------|
| <b>CONSTABLE</b> -to complain.- <i>Continued.</i>   |                 | <b>CONTRACT</b> -parties to.- <i>Continued.</i>          |           |
| against gambling  | 6600            | when minors, etc., may be                                | 3497      |
| to make arrest for drunkenness with   |                 | must be capable of identification                        | 3498      |
| out process first issuing   | 840             | for benefit of third person may be enforced by him, when | 3499      |
| must indorse statement of fees on process   | 1413            | consent to must be free, mutual, etc....                 | 3500      |
| to cause arrest of violators of gamelaw   | 2378            | when not free, voidable, not void....                    | 3501      |
| to execute precepts of courts martial..   | 1964            | apparent, when not free                                  | 3502      |
| special-may be appointed by judges of election  | 1463            | when deemed to be obtained through fraud, etc ...        | 3503      |
| duty of at elections  | 1463            | duress in obtaining, defined                             | 3504      |
| purchasing demands or suits   | 6396-6400       | menace in obtaining, defined                             | 3505      |
| loans on claims for collection  | 6397-6400       | fraud in obtaining, defined                              | 3506-3509 |
| (See Towns hips- Officers.)   |                 | undue influence in obtaining, defined                    | 3510      |
| <b>CONSTRUCTION</b> -(See Interpretation.) of contracts (See Contract.)   |                 | mistake in obtaining, defined                            | 3511-3514 |
| of grants (See Grant.)of obligations (See Obligation.) of statutes (See Statutes.) of wills (See Will.)of the code of civil procedure | 4802            | when deemed mutual                                       | 3515      |
| of penal statutes   | 6209,7656       | communicated   | 3516      |
| of words used in code of criminal procedure   | 7658            | complete . . .   | 3518      |
| of words and language   | 4806 4806,4807  | proposal of, when may be revoked...                      | 3521      |
| of pleadings  | 4924            | how revoked ....   | 3522      |
| <b>CONSTRUCTIVE</b> -fraud, defined   | 3508            | voidable, may be ratified                                | 3523      |
| total loss, in marine insurance, defined  | 4219            | acceptance of benefit, when equivalent to .              | 3524      |
| <b>CONTAGIOUS DISEASE</b> -See (Diseases, Contagious.)  |                 | (See Consent.)object of, defined                         | 3525      |
| <b>CONTEMPT</b> -of court-defendant pun   |                 | must be lawful, possible and ascertainable               | 3526      |
| ished for refusing to obey judgment. .  | 5112,5174,5185  | when deemed possible or not                              | 3527      |
| court may punish for, in cases of disobe  |                 | when illegality, etc., of, renders contract wholly void  | 3528      |
| dience of orders to deposit funds   | 5022            | partly void'   | 3529,     |
| refusing permission to inspect or copy documents  | 5251            | consideration of, good, defined                          | 3530      |
| members of inferior tribunal punishedfor ...  | 5529            | when existing obligation is                              | 3531      |
| witnesses for disregard of subpcena ....  | 453, 5267, 5268 | must be lawful   | 3532      |
| parties for refusing to testify   | 5257            | effect of illegality of                                  | 3533      |
| challenged grand juror taking part in consideration of charge   | 7200            | may be executed or executory                             | 3534      |
| failure of witness to attend inquisition of insanity or pregnancy   | 6485            | executory, need not be defined                           | 3535      |
| disobedience to subpcena or refusal to testify  | 7538            | how ascertained ...                                      | 3535      |
| refusing to execute writ of habeas corpus   | 7850            | Impossibility of, effect of                              | 3537      |
| probate judge guilty for neglect to transmit record on appeal   | 5977            | (See Consideration.) creation of                         | 3539-3549 |
| county board of commissioners maypunish for....   | 584             | by express words   | 3540      |
| coroner may punish for  | 667             | by implication   | 3541      |
| referee may punish for  | 5257            | orally   | 3542      |
| in justices'courts (See Justices' Courts.)  | 6118-6122       | by writing   | 3544      |
| not a bar to prosecution for criminal act   | 6938            | supersedes oral negotiations                             | 3545      |
| <b>CONTEST</b> (See Elections.)   |                 | when takes effect  | 3546      |
| <b>CONTINGENT</b> -interests in property defined  | 2703            | delivery necessary to                                    | 3547      |
| not insurable   | 4109            | under seal ....  | 3548      |
| (See Property.)   |                 | distinctions abolished                                   | 3549      |
| <b>CONTINUANCE</b> (See Postponement of Trial.)   |                 | interpretation of, to be uniform                         | 3550      |
| <b>CONTINUING GUARANTY</b> -defined   | 4288            | to effectuate mutual intention                           | 3551      |
| when may be revoked   | 4289            | to ascertain intention                                   | 3552      |
| letter of credit deemed, when   | 4318            | to be governed by language used ....                     | 3553      |
| (See Guaranty.)   |                 | by written words   | 3554      |
| <b>CONTRACT</b> -defined  | 3494            | exception in cases of fraud, etc                         | 3555      |
| essential elements of   | 3495            | entire contract to be considered in...                   | 3556      |
| parties to, who may be  | 3496            | several contracts to be taken together in                | 3557      |
| idiots cannot be  | 2519            | to be favorable to its validity                          | 3558      |
|   |                 | according to ordinary sense of words.                    | 3559      |
|   |                 | technical words in                                       | 3560      |
|   |                 | what law governs   | 3561      |
|   |                 | by surrounding circumstances                             | 3562      |
|   |                 | subject matter to be considered in ...                   | 3563      |
|   |                 | to be restrained by its object                           | 3563      |
|   |                 | uncertainty in,to be construed against whom              | 3564-3569 |
|   |                 | general intent to prevail in                             | 3565      |
|   |                 | original and written parts to prevail in                 | 3566      |
|   |                 | repugnances in   | 3567      |
|   |                 | inconsistent words to be rejected in.                    | 3568      |
|   |                 | what stipulations are implied in                         | 3570      |
|   |                 | incidents to contract, when implied in                   | 3571      |



# INDEX.

|  | Section.        |   | Section.        |
|--|-----------------|---|-----------------|
| <b>CONTRACT-</b> interpretation. - <i>Continued.</i>               |                 | <b>CONVICTION.-Continued.</b>                           |                 |
| in respect to time for performance ...                             | 3572            | of infamous crime disqualifies executor                 | 5695-5709       |
| time, when deemed essential in                                     | 3573            | Judgment of, in justice's court                         | 6326            |
| joint and several, when presumed to be                             | 3574            | for felony, cause for divorce                           | 2559            |
| executed, defined  | 3576            | <b>CONVICT</b> --voting by without pardon...            | 6269            |
| executory, defined   | 3576            | person of protected                                     | 6957            |
| unlawful, defined  | 3577            | abuse of  | 7818, 7818,7819 |
| certain contracts declared   | 3578            | general care of in jail. ..                             | 7802-7838       |
| imposing penalty   | 3579            | justice may sentence to hard labor                      | 7814            |
| fixing damages   | 3580,3581       | pardon of (See Pardons.) importing of                   | 6415            |
| restraining legal proceedings                                      | 3582            | communicating with without leave                        | 6422            |
| trade, when  | 3583            | felon disfranchised, except                             | 6269            |
| when not   | 3584, 3584,3585 | (See .Penitentiary.)                                    |                 |
| marriage   | 3586            | <b>CORONER</b> -election and qualification(See Ofcers.) |                 |
| extinction of, how effected  | 3587            | performs duties of sheriff, when                        | 663, 663,5338   |
| by rescission  | 3588            | inquists on dead bodies-when                            | 664             |
| in what cases  | 3589            | jury-shall summon, how                                  | 665             |
| certain stipulations do not prevent                                | 3590            | form of warrant for                                     | 665             |
| how effected   | 3591            | completed how   | 666             |
| by alteration, cancellation or destruction                         | 3592-3596       | oath to   | 666             |
| modification of  | 3593            | may subpcena and swear witnesses....                    | 667             |
| interest on, continues after breach                                | 3575            | may punish for contempt                                 | 667             |
| transfer is an executed. (See Transfer.)                           | 3223            | testimony reduced to writing                            | 669             |
| delivery of, how regulated   | 3546            | return of verdict                                       | 670             |
| for sale of property to railroad corporation                       | 2982            | kept secret, when                                       | 671             |
| of marriage. (See Marriage.)                                       |                 | may order summary arrest, how                           | 672             |
| <b>CONTRIBUTION</b> joint debtor may require, when                 | 3426            | to issue warrant of arrest                              | 672,            |
| release of joint debtor does not affect right of others to         | 3493            | how, when accused not present                           | 673             |
| to general average loss  | 3874, 3874,3875 | warrant-returnable before a justice of the peace        | 673             |
| between insurers   | 4182            | shall recite verdict                                    | 674             |
| co-sureties  | 4308            | shall return papers to district court...                | 675             |
| indorser not entitled to   | 4485            | burial of body  | 676             |
| due by devisees and legatees, when....                             | 5847            | when justice of the peace may act as.                   | 677             |
| <b>CONTROVERSY</b> -submission of without action                   | 5542            | may summon physician to view body.                      | 678             |
| court to determine when and how                                    | 4885            | compensation to physician                               | 678-1414        |
| <b>CONVERSION</b> -directed by will takes effect, when             | 3364            | property found on body delivered to whom                | 679             |
| of property by lienor extinguishes lien thereon                    | 4342            | if delivered to treasurer, duty of treasurer            | 680             |
| of personal property, damages for wrongful                         | 4603            | money paid over to whom                                 | 681             |
| <b>CONVEYANCE</b> --within meaning of recording act, defined       | 3294            | statement of to be made                                 | 682             |
| instrument in execution of power is....                            | 2844            | account of-for services                                 | 682             |
| power of person of unsound mind to make                            | 2520            | fees of (See Fees and Salaries.) duties of, in          |                 |
| (See Grant-Transfer.) of homestead is invalid, when                | 2451            | organization of new counties                            | 514-516         |
| by executors and administrators (SeeExecutors and Administrators.) |                 | assists in drawing jurors, when                         | 448-455         |
| by guardians (See Guardians.)penalty for making fraudulent         | 6837            | reports statistics to commissioner of immigration       | 115             |
| <b>CONVICTION</b> -must precede punishment                         | 7030            | <b>CORPORATIONS</b> -in general-defined..               | 2889            |
| how had  | 70:38           | how created   | 2890            |
| not on testimony of accomplice alone..                             | 7384            | grants of power to subject to repeal                    | 2891-2971       |
| can be for lowest degree, when doubt..                             | 7377            | powers not subject to collateral question               | 2892            |
| former is a bar  | 7310            | name of   | 2593            |
| in one county bars prosecution in another ....                     | 7311            | public  | 2895            |
| bail allowed after   | 7606            | private   | 2896            |
| judgment upon verdict  | 7431-7433       | articles of Incorporation                               | 2897            |
| under foreign law-is a defense                                     | 6937            | absolute acceptance of necessary....                    | 2898            |
| of perjury disqualifies as a witness                               | 6365            | how proved  | 2899            |
| effect of, in case of second offense...                            | 6948, 6948,6919 | private-how formed                                      | 2900            |
| of two or more crimes-how punished..                               | 6950            | for what purposes allowed                               | 2900            |
| works forfeiture, when   | 6958            | limitations on ownership by                             | 2901            |
| conditions of-corpus delicti                                       | 6139            | articles what tostate                                   | 2902,2903       |
|  |                 | how subscribed  | 2904            |
|  |                 | to be filed with secretary of territory                 | 2905            |
|  |                 | when completely formed                                  | 2905            |
|  |                 | record to be made by secretary of territory             | 2906            |

# INDEX.

|   | Section.        |   | Section.        |
|---|-----------------|---|-----------------|
| <b>CORPORATIONS-private-records of.</b> <i>Continued.</i> |                 | <b>CORPORATIONS-foreign.-</b> <i>Continued.</i>       |                 |
| certified copy to be accepted as evidence                 | 2907            | how served with civil process                         | 4898            |
| existence need not be affirmatively                       |                 | frauds in management of                               | 6861            |
| shown unless denied                                       | 2908            | stockholders-who are                                  | 2909            |
| examination of by legislature                             | 2970            | non-resident, how may transfer stock                  | 2935            |
| stock of, subscriptions to, by whom enforced              | 2912            | liability of for debts of corporation..               | 2933            |
| remedies for non-payment                                  | 2914            | meetings, how called                                  | 2939            |
| how issued and transferred                                | 2915            | uncalled, when valid                                  | 2934            |
| issuing spurious or canceled certificates is forgery      | 6760-6761       | taxation of--when property is in more than one county | 1565            |
| how represented   | 2931            | officer to make return to territorial auditor         | 1565            |
| when belonging to minors or insane persons                | 2910            | (See Assessment and Taxation.)                        |                 |
| quorum  | 2931, 2931,2956 | may sue and be sued                                   | 5207, 5207,5357 |
| how amount of changed                                     | 2936            | to furnish security for costs                         | 5207, 5211      |
| over issue void   | 2916, 2916,2928 | forfeiture of charter-how proceeded against           | 5347            |
| directors personally liable for                           | 2928            | judgment ..   | 5357            |
| for misrepresentation regarding condition of company      | 2929            | may be restrained, how                                | 5359            |
| may be held by company                                    | 2917            | entitled to notice before injunction issues           | 4990            |
| dividend upon, to whom due                                | 2918            | judgments against company receiving tolls             | 2964            |
| assessment of permitted                                   | 2943            | no franchise or privilege exempt from execution       | 2964            |
| limitation as to certain classes                          | 2944            | where sold  | 2969            |
| when reassessment may be made ..                          | 2945            | purchaser entitled to immediate possession            | 2965            |
| requisites of   | 2946            | rights and obligations                                | 2966            |
| notice, form of   | 2947            | certain powers not forfeited by sale..                | 2967            |
| service of  | 2948            | franchise redeemed, how                               | 2968            |
| when owned by corporation, notliable to                   | 2955            | fraud in management of                                | 6841-6862       |
| not invalidated by irregularities...                      | 2958            | in subscription for stock                             | 6841            |
| delinquent, method of enforcing by sale                   | 2949,2960       | in procuring organization                             | 6842            |
| notice of may be extended                                 | 2957            | unauthorized use- of names in                         | 6843            |
| action for redemption, limitations                        | 2959            | banking   | 6844-6850       |
| enforcing by action                                       | 2961            | unauthorized loans                                    | 6844, 6844,6845 |
| directors-how and when chosen... .                        | 2923-2925       | sale or hypothecation of notes                        | 6846            |
| defined...  | 6862            | circulating excess of notes                           | 6847            |
| number and powers   | 2926            | officer making guaranty or indorsement                | 6848            |
| vacancies, how flied                                      | 2926, 2930      | overdrawing account                                   | 6849            |
| organization of board                                     | 2927            | receiving deposit after insolvency..                  | 6850            |
| how removed   | 2930            | officer omitting to enter receipt for property        | 6851            |
| election of   | 2932            | destroying or falsifying books                        | 6852            |
| how contested   | 2932            | publishing false reports                              | 6853            |
| personal liability of                                     | 2928            | refusing to permit inspection of books by stockholder | 6854            |
| powers of, enumerated                                     | 2919            | what insolvencies deemed fraudulent                   | 6855            |
| in respect to by-laws                                     | 2920-2922       | how punished  | 6856            |
| how exercised, and by whom                                | 2926            | violation of duty by officer                          | 6857            |
| ,as to dividends and indebtedness limited                 | 2928            | director presumed to have knowledge                   | 6858            |
| directors personally liable for disregard of              | 2929            | presumed to have assented                             | 6859            |
| foreign   | 3190            | when absent from meeting, when.                       | 6860            |
| to take property  | 2919            | defined   | 6862            |
| by will   | 3309            | foreign corporations liable                           | 6861            |
| to hold their own stock                                   | 2917            | forgery-making false evidences of debt                | 6762            |
| to issue excess of stock                                  | 2916            | false entries, alterations or obliteration in books   | 6769            |
| by-laws-may be made, how                                  | 2920            | to deceive employer                                   | 6770            |
| seal-may be adopted by                                    | 2919            | embezzlement-when officers guilty....                 | 6797            |
| how affixed   | 3548            | criminal actions against                              | 7579-7586       |
| records-requirements of                                   | 2937            | summons issued  | 7579            |
| dissolution-how caused                                    | 2938            | form  | 7580            |
| for want of organization                                  | 2939            | when and how served                                   | 7581            |
| trustees upon   | 2940            | examination of charge                                 | 7582            |
| how responsible   | 2941            | return of magistrate                                  | 7583            |
| revival of  | 2942            | indictment  | 7584            |
| pre-existing, powers and liabilities of.                  | 3180,3184, 3188 | appealArance on                                       | 7585            |
| foreign-powers and liabilities of. .                      | 3190-3192       | fine collected, how                                   | 7586            |
| entitled to protection of trade-marks                     | 2447            | <b>AGRICULTURAL FAIR</b> -requirements of articles    | 2902            |
| property of, subject to attachment...                     | 4993            | powers to hold property                               | 3163            |
| a- tion to recover forfeiture against,                    |                 |   |                 |
| limitation  | 4567            |   |                 |

# INDEX.

|   | Section.               |   | Section.        |
|---|------------------------|---|-----------------|
| <b>CORPORATIONS</b> - agricultural fair powers- <i>Continued.</i>             |                        | <b>CORPORATIONS</b> -flume.- <i>Continued.</i>    |                 |
| as to incurring indebtedness  | 3164                   | right of way                                      | 3120, 3122      |
| personal liability of directors   | 3164                   | non-user forfeits rights                          | 3123            |
| income and expenses   | 3165                   | INSURANCE, general-who may form....               | 3038            |
| <b>BANKING AND LOAN</b>   | 3185-3187              | reinsurance permitted                             | 3039            |
| entitled to corporate privileges, when  | 3185                   | declaration to be filed with territorial auditor  | 3040            |
| reincorporation unnecessary when. 3186 previous acts ratified                 | 3187                   | must comprise copy of charter                     | 3040            |
| <b>BENEVOLENT AND CHARITABLE</b> -may be formed, how                          |                        | regulations regarding                             | 3040            |
|   | 2902, 3136, 3137, 3162 | charter-what to contain                           | 3041            |
| <b>BRIDGE</b> -requirements of articles.                                      | 2902, 3126             | examination of by district attorney.              | 3048            |
| must secure consent of county commissioners                                   | 3126, 3127             | certified copy to be issued by auditor            | 3048            |
| tolls   | 2694, 3127, 3132       | where to be filed to permit com                   |                 |
| rates must be posted  | 3130                   | mencement of business                             | 3048            |
| penalty for excessive   | 3130                   | duration  | 3072            |
| for avoiding  | 3132, 3132,3133        | may be extended....                               | 3051            |
| corporate rights cease, when  | 3128, 3129             | certified copy filed by foreign company           | 3061            |
| must keep bridge in passable condition  | 3129                   | directors-eligibility                             | 3041            |
| forfeits rights by failure  | 3131                   | when individually liable                          | 3068            |
| directors' annual report to county commissioners                              | 3134                   | name-may be rejected by auditor...                | 3041            |
| publication of  | 3135                   | powers regarding ownership of property            | 3042-3047       |
| penalty for failure   | 3135                   | capital stock                                     | 3043            |
| <b>BUILDING AND LOAN</b>  | 3166-3184              | subscriptions to                                  | 3045            |
| articles  | 3175                   | examinations of                                   | 3048            |
| who may form  | 3166                   | investment  | 3046            |
| limitations as to stock   | 3167                   | increased, how                                    | 3052, 3052,3071 |
| by-laws, what to contain  | 3168, 3177             | when transfer does not release liability          | 3069            |
| loans-regulations regarding   | 3169                   | reduction of                                      | 3073            |
| payment   | 3170                   | of foreign companies                              | 3043, 3043,3080 |
| Interest not regared as usurious....  | 3171                   | risk-limit of                                     | 3044            |
| lawful to receive bonus   | 3182                   | by-laws, how framed                               | 3049            |
| franchise not forfeited by neglect of officers                                | 3172                   | dividends to be paid only from surplus profits    | 3050            |
| may purchase property sold under lien   | 3173                   | annual statement to territorial auditor           | 3053-3081       |
| validation of existing securities   | 3174                   | what to contain                                   | 3054            |
| application, granting and recording of charter                                | 3176                   | publication of                                    | 3053, 3053,3075 |
| business, how managed   | 3178                   | auditor may prevent                               | 3059            |
| directors, election of  | 3178                   | verification of                                   | 3056            |
| stock certificates  | 3179                   | neglect to file-penalty                           | 3057, 3057,3058 |
| cancellation  | 3183                   | misrepresentations work revocation                | 3065            |
| oath of officers holding election penalty                                     | 3180                   | attorney for acceptance of service of process     | 3053,3060       |
| vacancies, how filled   | 3181                   | examination of affairs of company, how made       | 3067            |
| acceptance by existing companies...   | 3184                   | if shows unsoundness, auditor revokes certificate | 3067            |
| <b>CEMETERY</b> -may be formed, how   | 2902,3136, 3137,3153   | principal office, how changed                     | 3682            |
| power to hold real estate   | 3153                   | agents must procure certificate of authority      | 3062            |
| to survey and plat lands  | 3154                   | penalty for neglect                               | 3063            |
| to improve and sell grounds, etc....  | 3155                   | how recovered                                     | 3071            |
| proceeds from sale of lots, how applied                                       | 3156, 3157             | responsibility                                    | 3079            |
| previous burial protected   | 3158                   | assets, when insufficient, duty of auditor        | 3066-3067       |
| lot-owners entitled to vote at meetings                                       | 3159                   | receivers, duties of                              | 3074            |
| rights of, inalienable after interment  | 3160                   | fees of auditor                                   | 3076            |
| property exempt   | 3161                   | taxes on premium receipts                         | 3077            |
| <b>DITCH</b> -requirements regarding incorporation                            | 2902, 3116             | portion to be paid to fire departments            | 1138            |
| right of way  | 3117,3120,3122         | mutual companies, how formed                      | 3078            |
| must furnish water to whom  | 3118                   | INSURANCE, county mutual                          | 3083--3102      |
| must keep ditch in repair   | 3119                   | who may form                                      | 3083            |
| non-user forfeits rights  | 3123                   | directors, appointment of                         | 3084            |
| person diverting water responsible for damages                                | 3125                   | election  | 3097            |
| <b>EDUCATIONAL</b> (See Corporations, Religious, Educational and Benevolent.) |                        | articles to be filed with county clerk            |                 |
| <b>FLUME</b> -requirements regarding incorporation                            | 2902, 3120             | or auditor  | 3085            |
|   |                        | policies issued, how                              | 3686            |
|   |                        | hail insurance-duty of company..                  | 3087            |
|   |                        | obligations of insured                            | 3088            |

# INDEX.

|  | Section.         |   | Section.              |
|--|------------------|---|-----------------------|
| <b>CORPORATIONS</b> -county mutual insurance.- <i>Continued.</i> |                  | <b>CORPORATIONS</b> -railroad-lien on.- <i>Continued.</i> |                       |
| appointment of adjusters   | 3089             | contract for sage recorded by secretary of territory      | 2983                  |
| fire and hail funds, creation of                                 | 3090             | extension of branches                                     | 2984                  |
| fire and lightning, obligations of insured                       | 3091-3092        | route, how changed  | 2985                  |
| adjustment of losses   | 3092             | consolidations  | 2986                  |
| classification of property according to risk                     | 3093             | name, change of   | 2987                  |
| assessments, collection of                                       | 3093-3095        | what property of subject to mortgage                      | 2990                  |
| cannot insure property outside of county                         | 3096             | conveyances, how acknowledged ....                        | 2991                  |
| annual report to county auditor                                  | 3098             | debts, directors may provide for payment                  | 2992                  |
| withdrawal of members  | 3099             | usury, defense of prohibited                              | 2993                  |
| non-residents may become members.                                | 3100             | foreign, how to proceed on entering territory             | 2997                  |
| by-laws  | 3101             | right of way-proceedings for obtaining                    | 3000                  |
| duration of company  | 3102             | commissioners to assess damages.                          | 3000                  |
| INSURANCE-cancellation and forfeiture of policies                | 3103-3105        | proceedings of  | 3003                  |
| holder may surrender at any time..                               | 3103             | in cases of unknown owners                                | 3005                  |
| company must give notice of forfeiture                           | 3104             | of occupants of public lands....                          | 3004                  |
| premium includes what  | 3105             | report to clerk of court                                  | 3000                  |
| applications must not include chattel mortgage                   | 3106-3107        | review of by court  | 3000                  |
| penalty  | 3107             | trial by jury   | 3000                  |
| actions against, where tried                                     | 4888             | appeal to supreme court                                   | 3000                  |
| <b>MINING AND MANUFACTURING</b> -how formed                      | 2902-3108        | public grounds and streets, how obtained                  | 3006                  |
| loan to stockholders forbidden                                   | 3109             | rules for running trains                                  | 3007                  |
| books must be kept open to inspection ..                         | 3110             | regulations concerning transportation and delivery        | 3008                  |
| statement-annual, to stockholders.                               | 3110             | when not liable for injury to passengers                  | 3009                  |
| special may be demanded  | 3113             | responsibility for carriage in otherthan passenger trains | 3010                  |
| penalty for failure to furnish                                   | 3113             | highway crossings, streams, etc., to                      |                       |
| individual liability-of stockholders, how enforced               | 3111             | be restored to former condition..                         | 2988                  |
| of directors, upon insolvency of corporation                     | 3115             | passage ways over, width of                               | 2989                  |
| may have office outside of territory..                           | 3114             | must be kept in repair                                    | 3012                  |
| non-user forfeits rights, when                                   | 3123             | grade of, may be altered                                  | 3011                  |
| RAILRoAD-articles what to contain....                            | 2902, 2903, 2972 | temporary must be provided,when..                         | 3012                  |
| to be filed and recorded with secretary of the territory         | 2972             | signs at must be erected                                  | 3014                  |
| incorporators, number required                                   | 2972             | failure, duty of county commissioners                     | 3015                  |
| patent, form of  | 2972             | causeway to be built and maintained, when                 | 3017                  |
| directors-show chosen  | 2974             | fence, when   | 3018                  |
| vacancies, how filled  | 2974             | bell and whistle, provisions concerning                   | 3016                  |
| qualifications   | 2974             | passage tickets, sale of (See PassageTickets.)            |                       |
| classification   | 2994             | special police at stations may be appointed               | 3024                  |
| meetings, time of holding  | 2974             | taxation of (See Assessment and Taxation.)                |                       |
| may be held outside of territory..                               | 2932             | <b>RELIGIOUS, EDUCATIONAL AND BENEVO</b>                  |                       |
| officers-how appointed   | 2975             | LENT-requirements regarding incorporation of              | 2902, 3136, 3137      |
| stock-subscriptions, how received..                              | 2973             | powers-to hold property, limited...                       | 3138                  |
| forfeiture   | 2976             | as to sale or mortgage of property                        | 3140                  |
| deemed personal estate   | 2977             | annual report of directors to corporation                 | 3139                  |
| transfer   | 2977             | by-laws   | 2921, 2921,3141       |
| increase   | 2978             | rights of subsequent members                              | 3142                  |
| stockholders-guardians, executors and trustees not liable as     | 2979             | transfer or taking away of rights of members              | 3143                  |
| may release property for railroadpurposes                        | 3002             | religious-officers of, how chosen....                     | 3144                  |
| powers-enumerated  | 2980             | may acquire corporate rights by mere association          | 3145                  |
| as to holding real estate  | 2980             | articles for must be filed, where..                       | 3145                  |
| as to connection with other roads..                              | 2980             | by-laws adopted   | 2921, 2921,3144       |
| as to change of location or grade..                              | 3005             | educational-articles ...                                  | 2902,3136, 3137, 3147 |
| assessment of damages resulting                                  | 3005             | powers to hold property limited,...                       | 3148                  |
| as to occupation of streets, alleys, etc                         | 2980             | may take for certain purposes..                           | 3138                  |
| to borrow money  | 2981             | as to government  | 3150                  |
| to enter upon lands and condemn same                             | 2996             | to confer degrees   | 3151                  |
| lien on, for property sold to                                    | 2982             |   |                       |

## INDEX.

|  | Section.                    | a  | Section.        |
|--|-----------------------------|--|-----------------|
| <b>CORPORATIONS</b> - educational - powers.- <i>Continued.</i>           |                             |  |                 |
| to establish mechanical or agricultural departments                      | 3152                        | <b>COSTS.</b> - <i>Continued.</i>                                |                 |
| duty of directors as to expenditure of funds                             | 3149                        | enforceable by attachment, when                                  | 5204            |
| TUNNEL-requirements regarding articles                                   | 2902-3121                   | incurred by change of venue, chargeable                          |                 |
| right of way   | 3122                        | to county from which   | 5205, 5205,5206 |
| non-user forfeits rights   | 3123                        | surety for, may be required, when.                               | 5207-5349       |
| WAGON-ROAD-articles of, what to State of South Dakota                    |                             | injustice's court  | 6141            |
|  | 2902-2903                   | how obligates himself  | 52(j7           |
| road, how laid out   | 3026                        | liability of, for  | 5208            |
| commissioners appointed  | 3027                        | judgment against for   | 5212            |
| map to be filed  | 3027                        | actions maybe dismissed for failure to furnish                   | 5209, 5209,5211 |
| bridges and ferries to be maintained.                                    | 3028                        | no personal claim, notice of, effect of, as to                   | 4896            |
| tolls, regulation of   | 3028-3033                   | of proceedings to perpetuate testimony                           | 5322            |
| disregard of forfeits franchise  | 2964                        | compromise, offer of, effect of, as to.                          | 5246-5247       |
| penalty for avoiding payment   | 3033                        | proffer of fixed damages, effect of, as to                       | 5248-5249       |
| injury to road, penalty for  | 3034                        | refusal td admit genuineness of paper, effect of, as to          | 5250            |
| revenue, how appropriated  | 3035                        | in action of partition, how adjusted....                         | 5378,5381,5406  |
| may mortgage road ..   | 3036                        | in action for an office or franchise. .                          | 5356-5358       |
| natural person building road, requirements upon.                         | 3037                        | in mandamus  | 5528            |
| COSTS-taxed how  | 1435, 5189, 5197            | of changing name, petitioner pays                                | 5589            |
| when covered by indemnity  | 4269                        | no fees to other than sheriff for service of pleadings, etc      | 5261            |
| of surety must be paid by principal, when                                | 4307                        | execution for  | 5358            |
| disbursements, in actions generally                                      | 5186-5212                   | in action to foreclose mortgage ....                             | 5429, 5429,5438 |
| what may be taxed as   | 5189                        | disclaimer of interest, costs to defendant                       | 5450            |
| attorneys' fees, when  | 5188, 5188,5429             | in judgment confessed  | 5539            |
| in action of partition   | 5406                        | of witnesses before referee                                      | 5184            |
| witnesses  | 5184,5189                   | printers must be paid in advance                                 | 5164            |
| interpreters   | 1433, 5189, 5316            | of contesting probate of will                                    | 5685            |
| urors'   | 1092,1427, 5189             | validity of will   | 5685            |
| who pays in case of struck jury ....                                     | 5044                        | administrator's account  | 5903            |
| clerks'  | 5189                        | in suit or claims against estates of decedents                   | 5807            |
| sheriffs'  | 5189                        | of prosecuting claim to be paid by plaintiff administrator, when | 5808            |
| printers'  | 5189                        | on appeal from probate court                                     | 5979            |
| appraisers' and justices'  | 5504                        | creditors of estate liable for, when                             | 5869            |
| referees'  | 5189,5198, 5378, 5406       | on contest of order for sale of property by guardian             | 6018            |
| surveyors'   | 5378                        | incurred in distribution of estate                               | 5922            |
| of procuring abstract of title   | 5408                        | in criminal cases taxed against defendant on conviction          | 6985            |
| prevailing party entitled to   | 5186                        | in actions for security to keep the peace                        | 7065            |
| general rule regarding   | 5189, 5195, 5356            | taxed against complaining witness, when                          | 7174            |
| when the recovery is less than fifty dollars                             | 5191                        | in justices' courts (See Justices' Courts.)                      |                 |
| in case of plurality of actions  | 5198                        | <b>CO-SURETIES</b> -contribution between..                       | 4308            |
| appeal dismissed, taxed to appellant...                                  | 5194                        | entitled to benefit of each other's securities                   | 4309            |
| judgment for defendant includes ..                                       | 5192, 5573                  | <b>COTERMINOUS OWNERS</b> -rights of..                           | 2784            |
| of commitment and support in prison                                      | 5521,5551,5553              | obligations of   | 2788            |
| of postponement of trial   | 5199                        | <b>COUNSEL</b> -assigned for defendant on arraignment, when      | 7276            |
| must include interest, when  | 5195, 5195,5196             | court to inform defendant of right to                            | 7162,7276       |
| appeal from clerk's adjustment of  | 5190                        | time allowed defendant to procure.                               | 7163, 7164      |
| judge adjusts, in interlocutory proceedings                              | 5197                        | corporation may answer indictment by                             | 7585            |
| become part of judgment, collected by execution                          |                             | defendant in misdemeanor may appear                              |                 |
|  | 5188,5189, 5200, 5204, 5358 | and plead by   | 7264            |
| of appeal in certain cases, at discretion of court                       | 5193                        | plea of "guilty" only by defendant in person                     | 7304            |
| of amendments, in discretion of court.                                   | 4934                        | corporation may plead "guilty" by counsel                        | 7304            |
| of postponement taxed to applicant, in discretion of court               | 5199                        | number heard on either side in capital cases                     | 7375-7519       |
| against infant plaintiff, guardian personally liable for 5200, 5201 4876 |                             | <b>COUNSELOR AT LAW</b> -(See Attorney.)                         |                 |
| executor, administrator, trustee, etc., liable for, when                 | 5201                        | <b>COUNTER CLAIM</b> -under what conditions pleadable            | 4915            |
| territory liable for, as private individual                              | 5202                        | how pleaded  | 4914, 4915      |
| party joined with territory as plaintiff, liable for, when               |                             | reply to. delay  | 4918            |

# INDEX.

|  | Section.        |   | Section.      |
|--|-----------------|---|---------------|
| <b>COUNTER CLAIM-Continued.</b>                            |                 | <b>COUNTY-division-Continued.</b>                             |               |
| judgment on, in default of answer                          | 4919            | electors may petition county commis-                          |               |
| on plaintiff's admission                                   | 5025            | sioners for   | 536           |
| after trial  | 5096-5458       | election for-county commissioners give notice                 | 537           |
| plaintiff's offer of judgment on                           | 5247            | judges appointed  | 537           |
| improvement on real estate may be...                       | 455, 5456, 5458 | ballot, form of   | 538           |
| form of verdict on   | 5062, 5063      | county clerk certifies result to secretary of territory       | 539           |
| foreclosure proceedings, how affected by                   | 5411            | new county-commissioners appointed by governor                | 540           |
| against agent not known to be such, good against principal | 3995            | commissioners appoint officers and fix temporary county- seat | 541-542       |
| in justice's court, to the amount within jurisdiction      | 6062            | procure transcript from old county                            | 545           |
| <b>COUNTERFEITING</b> -(See Forgery and Counterfeiting.)   |                 | redistrict new county   | 549, 550      |
| <b>COUNTY</b> -is a body corporate                         | 572             | entitled to proportion of certain funds                       | 547, 547, 548 |
| powers of  | 572             | indebtedness-just proportion to be assumed                    | 546           |
| annexed territory is part of, for certain purposes         | 535             | how adjusted  | 554, 554, 555 |
| judgment against, how paid                                 | 573             | liquidating bonds and tax levy                                | 557, 558      |
| divided into five commissioner districts                   | 576             | register to be kept by treasurer                              | 556           |
| to pay damages for laying out road....                     | 1318            | surplus to be paid into general fund                          | 559           |
| liable for costs in change of venue, when                  | 5205, 5206      | old county-authority of ceases on division                    | 560           |
| may prosecute action for bastardy                          | 5568            | liability of school corporations.                             | 551-552       |
| general fund to receive all fines...                       | 2224-6984       | commissioners, compensation of for                            |               |
| officers of, in general                                    | 574             | duties pertaining to division                                 | 553           |
| how chosen   | 574             | 'udicial-new county becomes subdivision                       | 561           |
| <b>ORGANIZATION</b>  | 510-535         | judge appoints term of court                                  | 562           |
| petition for   | 510             | cases pending transferred to new county                       | 563, 563, 561 |
| election for officers and county seat governor shall call  | 511             | <b>BONDS</b> (See Bonds.)                                     | 696-703       |
| of officers  | 512             | refunding-may be issued                                       | 696           |
| for temporary county seat                                  | 513             | how sold  | 697           |
| precincts prescribed, how                                  | 514             | levy of tax for interest and sinking fund                     | 698           |
| notice-to be published                                     | 514             | payment of interest   | 699           |
| original filed in office of clerk of court                 | 514             | fees of treasurer   | 700           |
| posted in five public places                               | 516             | registry  | 701           |
| failure to post does not invalidate                        | 533             | limitation and how issued                                     | 702           |
| judges-appointed, how                                      | 515             | declared negotiable   | 703           |
| vacancies, how filled                                      | 517             | issued in case of division of county                          | 551-559       |
| misconduct by  | 527             | <b>WARRANTS</b> -how issued (See Warrants.)                   | 638           |
| compensation   | 532             | how signed and attested                                       | 603           |
| clerks appointed, how                                      | 517             | register to be kept   | 588           |
| misconduct by  | 527             | bear interest, when   | 618           |
| compensation   | 532             | cancellation and destruction                                  | 589, 590      |
| general law applies  | 518             | depreciated, powers of county commissioners                   | 596           |
| supervisor-appointed by governor for each polling place    | 519             | <b>COUNTY ASSESSOR</b> -bond of                               | 1374          |
| qualification of   | 519             | fees  | 1423          |
| shall furnish ballot-box and poll book                     | 520             | (See Assessor-Assessment and Taxation.)                       |               |
| powers of at election                                      | 521             | <b>COUNTY AUDITOR</b> -appointment or election                | 646, 647      |
| shall report to clerk of district court                    | 521             | pond..  | 648           |
| to have certain privileges                                 | 522             | general duties  | 649           |
| misconduct of  | 527             | keeps current account with treasurer..                        | 650           |
| compensation   | 531             | attests claims against county                                 | 652           |
| illegal voting, how punished                               | 523             | may appoint deputies  | 653           |
| no adjournment or recess taken ...                         | 525             | vacancies, how filled   | 654           |
| ballots-procured, how                                      | 525             | who may bring action against                                  | 655, 656      |
| shall be numbered  | 524             | who ineligible  | 657           |
| canvass of votes   | 528             | clerk becomes, when   | 658           |
| ballot-box delivered to clerk of court                     | 526             | salary and clerk-hire   | 659- 660      |
| poll books sent to register of deeds and clerk of court    | 526             | reports statistics to commissioner of immigration             | 114           |
| all proceedings may be set aside, when                     | 534             | townships-deliver sheriff notice of first meeting             | 707           |
| officers shall qualify, when                               | 529             | transmits name to territorial auditor                         | 708, 709      |
| county commissioners to divide county into districts       | 530             | records description of each                                   | 708           |
| <b>DIVISION OF</b>   | 536-564         |   |               |

# INDEX.

|  | Section.        |   | Section.     |
|--|-----------------|---|--------------|
| <b>COUNTY AUDITOR--townships--Continued.</b>                   |                 | <b>COUNTY CLERK--Continued.</b>                                 |              |
| appoints assessor for, when                                    | 754             | towns and villages-records incorporation                        | 1038         |
| extends delinquent road tax list                               | 1291            | changing names  | 1120-1125    |
| furnishes description of road, etc., when.                     | 1346            | townships-delivers to sheriff, notice of                        |              |
| reports to territorial auditor claims for tree planting bounty | 2406            | first meeting   | 707          |
| duties pertaining to changing name of town or village          | 1120-1125       | transmits name to territorial auditor                           | 708,709      |
| to land drainage (See Drainage.).                              | 2047-2078       | records descriptions  | 708          |
| to assessment for artesian well (See Artesian Wells.)          | 2115-2121       | school townships-organization of                                | 1731         |
| to burial of soldiers and sailors                              | 2472            | highways-location in counties without township organization     | 1192-1260    |
| to county mutual insurance companies                           | 3085-3098       |   |              |
| (See County Clerk--Ofcers.)                                    |                 | alleys-assessment of expenses for opening, when                 | 1134         |
| COUNTY CLERK--register of deeds is..                           | 642             | artesian wells-assessments for ....                             | 2115-2121    |
| shall keep record of commissioners....                         | 643             | to furnish blanks to commissioner...                            | 2138         |
| shall report same  | 620             | license-list of persons selling liquor sent to grand jury       | 2221         |
| calls special sessions   | 579             | peddlers and auctioneers-temporary issued                       | 2429         |
| general duties   | 644             | territorial   | 2434         |
| salary and fees .....  | 1408            | bounty-for tree-planting, list forwarded to territorial auditor | 2406         |
| becomes county auditor, when                                   | 658             | for killing wolves  | 2285-2289    |
| acts as probate judge, when                                    | 5653, 5653,5793 | duties pertaining to duplication of lost bonds                  | 1681-1687    |
| is clerk of board of equalization                              | 1586            | to land drainage (See Drainage.).                               | 2047-2078    |
| makes detailed financial statement con                         |                 | to burial of soldiers and sailors                               | 2472         |
| jointly with county treasurer                                  | 1664            | to county mutual insurance companies                            | 3085,3098    |
| institutes suits against county treasur                        |                 | must swear to bill of costs in cases of change of venue         | 5206         |
| er and bondsmen, when  | 1656            | (See County Auditor--County Commission                          |              |
| may administer oaths   | 487             | ers--Officers.)   |              |
| appoints township assessor, when                               | 754             | <b>COUNTY COMMISSIONERS -electionand number</b>                 | 574          |
| notifies governor of vacancy in office, when                   | 1476            | term of office  | 575          |
| reports statistics to commissioner of immigration              | 114             | vacancies, how filled   | 1393         |
| duty in filling vacancy in county board.                       | 1393            | compensation  | 1424         |
| makes requisition for session laws, etc.                       | 55              | may make five districts, when and how                           | 576, 577     |
| elections--duties in regard to                                 | 645             | appoint commissioners for new districts                         | 577          |
| delivers notices to sheriff                                    | 1444            | seal  | 578          |
| notifies judges of appointment                                 | 1442            | specific powers enumerated                                      | 592          |
| to provide poll books  | 1485            | may administer oaths  | 487          |
| duties pertaining to canvass of votes and ties                 | 1471-1473,1479  | sessions held when and where                                    | 579-604      |
| forwards abstracts to secretary of territory                   | 1479            | special....   | 579          |
| not permitted to construe law individually                     | 1484            | must be public..  | 604          |
| neglect to canvass election returns penalty                    | 6423            | chairman, election of   | 580          |
| duty when two or more counties in same legislative district    | 1473            | duties in general   | 581          |
| to furnish messenger with certified copy of returns, when      | 1475            | signs all warrants  | 581, 581,603 |
| duty in division of county                                     | 539             | calls special meetings  | 579          |
| registry list kept open to inspection                          | 1533, 1533,1534 | executes deeds of sale by county                                | 592          |
| blanks to be supplied to board                                 | 1538            | tie vote defers decision  | 582          |
| taxes-makes list and duplicate                                 | 1593            | proceedings to be printed or posted...                          | 619          |
| enters city levies   | 1163            | to be reported by county clerk                                  | 620          |
| extends levies of board of education                           | 1824            | must be printed in first issue after receipt by publisher       | 621          |
| school township levies   | 1744            | copies of, are evidence   | 583          |
| delinquent road tax  | 1291            | power to preserve order and punish contempts                    | 584          |
| assessments by artesian well com                               |                 | record-of orders and decisions kept. .                          | 586          |
| missioner  | 2124            | separate, relative to bridges and roads                         | 587          |
| levies school township, when                                   | 1911            | what constitutes  | 605          |
| school poll and county school....                              | 1751            | finances-superintendence of                                     | 593          |
| audits duplicate receipt                                       | 1601            | extraordinary outlay submitted to vote                          | 595,1666     |
| keeps duplicate of treasurer's cash book                       | 1607            | higher rate of tax, same  | 596          |
| duties pertaining to assessment of corporations                | 1565            | method of submission  | 597          |
| jurors-drawing of, in counties with                            |                 | proposition must accompany submission                           | 598          |
| township organization  | 452, 452,455    | tax must not exceed three mills annually                        | 599          |
| in judicial subdivision of more than one county                | 460             | vote, to be recorded at length                                  | 600          |

# INDEX.

|  | Section      |   | Section.        |
|--|--------------|---|-----------------|
| <b>COUNTY COMMISSIONERS</b> - extraordinary outlay.- <i>Continued.</i> |              | <b>COUNTY COMMISSIONERS</b> - <i>Continued.</i> |                 |
| proposition cannot be rescinded....                                    | 600          | highways-in counties without township           |                 |
| money must be applied to specific purpose                              | 601          | organization                                    | 1189-1260       |
| unexpended balance transferred, when                                   | 602          | action without survey or view in lo             |                 |
| refunding bonds, issuance of   | 696-703      | cation, vacation and change                     | 1218-1220,1231  |
| settlements with board shall be required promptly                      | 615          | county roads-locating and changing              | 1314-1323       |
| amount of redemption money to be ascertained....                       | 616          | committee appointed to examine...               | 1315            |
| neglect of officer chargeable to deliver money-penalty                 | 611          | examination and report                          | 1316-1317       |
| may procure original field notes of survey                             | 594          | township supervisors to be notified             | 1318            |
| must provide court room, jail and certain offices                      | 606          | remonstrance and assessment of damages          | 1319,1323       |
| jury rooms ...   | 7409         | general supervision                             | 1321            |
| fuel, lights and stationery  | 606          | limitation of taxes                             | 1321            |
| may request judge to order term of court                               | 426          | side-roads and ford-crossings                   | 1327            |
| buildings-may erect from current revenue                               | 607          | appeals-proceedings if unsuccessful             | 1328            |
| fund must be utilized  | 608          | signs at railroad crossings                     | 3014            |
| contracts let only on competitive bids                                 | 609          | commissioners to locate wagon-roads             | 3026            |
| may direct insurance of county property..                              | 640          | bridges-notices to be posted                    | 1354            |
| appeals from...  | 610          | rates of toll to be fixed                       | 3127,3130       |
| must be taken in twenty days   | 611          | corporations -action regarding required         | 3126, 3127      |
| filing   | 612          | neglect of reported to district attorney        | 5135            |
| bond   | 610          | ferries-leasing                                 | 1301-1369       |
| trial de novo  | 613          | officers-amount of bonds fixed in what cases    | 1374            |
| power of district court  | 614          | action for removal                              | 1388            |
| district attorney shall take, when....                                 | 610          | vacancies filled                                | 1392            |
| assessment-board of equalization (See                                  |              | inspection by public examiner may be requested  | 120             |
| Assessment and Taxation.)  | 1584         | auditor-appointed, when                         | 646             |
| blanks   | 1544         | prosecuted, when                                | 656             |
| list of taxable property may be extended                               | 1545         | treasurer-delinquent removed                    | 1657            |
| warrants-numbered  | 1546         | additional bonds may be required....            | 1658            |
| how signed and attested  | 603          | accounts examined semi-annually....             | 639             |
| register of  | 588          | superintendent of schools-payment               |                 |
| bear interest, when  | 618          | for school visits when reported by teachers     | 1847            |
| cancellation and destruction   | 589          | insanity-commissioners of                       | 2179            |
| description in minutes   | 590          | of defendant sentenced to death,                |                 |
| elections-precincts established  | 1441         | jury appointed to examine                       | 7484            |
| judges appointed, when   | 1442         | blind-report of to governor                     | 275             |
| vacancies filled, how  | 1443         | jails-must be established                       | 7829            |
| canvass of returns   | 1471         | must be repaired as directed by grand jury      | 7830            |
| county-seat (See County-Seat.)   |              | inspection ...                                  | 7796, 7804      |
| jurors-drawing of in counties without                                  |              | rules to be printed                             | 7789            |
| township organization  | 446          | expenses of prisoner kept in another county     | 7803            |
| selecting names for in counties with                                   |              | poor-overseers (See Poor.)                      | 2141            |
| township organization  | 451,459      | support of                                      | 2141-2178       |
| in judicial subdivision of more than                                   |              | tax for   | 2172            |
| one county   | 460          | farm, purchase of                               | 2162-2166       |
| new counties-organization  | 514, 514,515 | license-intoxicating liquors                    | 2204            |
| compensation   | 532          | revocation                                      | 2044            |
| division of county (See County, Divis ions.)                           |              | insufficient bond-penalty for ap-               | 2144            |
| townships-lay out and fix boundaries.                                  | 704          | proving   | 2211            |
| name selected, when  | 706, 706,709 | in adjoining unorganized county...              | 2225            |
| present boundaries not changed   | 710          | local option                                    | 2227            |
| officers appointed, when   | 734          | peddlers and auctioneers                        | 2427            |
| first meeting places designated  | 707          | weights and measures-standard may be adopted    | 2419-2425       |
| cities and towns-reincorporation. .                                    | 1017,1019    | bounty for killing wolves                       | 2285 `2290      |
| plats  | 1101,1105    | noxious weeds-destruction of                    | 2408, 2408,2409 |
| towns-order for incorporation  | 1026         | sheep inspectors-appointment and removal        | 2351, 2351,2362 |
| annexations to   | 1075         | drainage (See Drainage.)                        | 2047-2078       |
| change of name   | 1120-1123    | artesian wells (See Artesian Wells.)            | 2115-2121       |
| school townships-adoption' of system                                   | 1801,1802    | fishways-to be built, when                      | 2391            |
| organization of  | 1729         | teachers' institutes-appropriation for.         | 1794            |
| correction of errors in tax-list                                       | 1756         |   |                 |



# INDEX.

|   | Section.        |  |                 |
|---|-----------------|--|-----------------|
| <b>COUNTY COMMISSIONERS--Continued.</b>                         |                 | payment-of county warrants                                   | 637             |
| accounts rendered in change of venue..                          | 5206            |  |                 |
| Melville's justice's code-purchase of..                         | 622             | <b>COUNTY TREASURER -payment. Continued.</b>                 | <i>Section.</i> |
| (See Officers.)   |                 | to other officers  | 1663            |
| <b>COUNTY-SEAT</b> -temporary location of.                      | 513             | to city boards of education                                  | 1863            |
| in case of division of county                                   | 542             | of artesian well warrants                                    | 2108, 2109      |
| changed, how  | 565             | to school fund, proceeds of sale of                          |                 |
| when on public lands  | 566-570         | trespassing animals  | 5575            |
| commissioners make survey and plat.                             | 567             | of witness' expenses, when                                   | 7536            |
| sale of surplus lots  | 568-570         | delinquent taxes -notice of sale oflands                     | 1620            |
| certificate to purchaser  | 569             | lands sold, how  | 1621            |
| proceeds paid into treasury                                     | 570             | certificate to purchaser                                     | 1626            |
| contest of election for   | 1494            | deed, when   | 1638            |
| <b>COUNTY SUPERINTENDENT OFSCHOOLS</b> -duties pertaining       |                 | may bid in lands for county, when...                         | 1630            |
| to adoption of school township system (SeeEducation.)           | 1801,1802       | warrants-payment of  | 637             |
| visits to schools to be recorded by teacher                     | 1846            | registry of  | 1671-1680       |
| to report number of blind persons to county commissioners       | 274,274,277     | bonds-may call for payment                                   | 1681-1683       |
|   |                 | refunding, issuance of                                       | 697-701         |
| <b>COUNTY SURVEYOR</b> --general duties.                        | 689             | registry in counties created by divis-                       | 556             |
| compensation  | 1422            | ion of school township, how paid in case of default          | 1911            |
| m;cy appoint a deputy   | 1397            | funds-loan or use of-penalty                                 | 1662            |
| notes and plats   | 690             | embezzlement of  | 1662,1662,1665  |
| fulness and accuracy  | 693             | tuition-quarterly statement to county superintendent         | 1752            |
| resurveys and subdivision                                       | 691             | jurors, assists in selection, when                           | 455             |
| sworn chainmen in disputed cases...                             | 692             | vote, assists clerk in canvassing, when.                     | 1471            |
| retracing lines of original survey....                          | 694             | county board, vacancy in, assists in filling                 | 1393            |
| assistants, how paid  | 695             | prosecutes neglect of officers regarding town and city plats | 1105            |
| vacated town and city plats                                     | 1113            | bond of district attorney, when                              | 437             |
| drainage ditches, inspection of(See Ofcers.)                    | 2067            | insures county property                                      | 610             |
| <b>COUNTY TREASURER</b> -bond of                                | 1374            | certifies abstracts-fees for                                 | 641             |
| additional, when may be required....                            | 1658            | pays taxes for non-residents-fees for..                      | 1418            |
| removal for failure to furnish                                  | 1659            | takes charge of unclaimed property of dead person, when      | 680             |
| fees to be charged  | 1417            | estrays and lost goods, duties regarding                     | 2301-2305       |
| salary, how fixed   | 632-636         | (See Officers.)  |                 |
| may appoint a deputy  | 1397            | <b>COURT</b> -decisions of, form common law                  | 2504            |
| general duties .  | .637            | enumerated   | 4817            |
| penalty for failure to perform                                  | 6703            | jurisdiction of  | 4818            |
| accounts with, to be kept by commissioners                      | 585             | <b>COURT ROOM</b> -to be provided by county commissioners    | 606             |
| delinquent, suit against  | 1656            | <b>COURT HOUSE</b> -sale of liquor in prohibited             | 6409            |
| may be removed  | 1657, 1659      | (See County Commissioners.)                                  |                 |
| accounts-method and publicity                                   | 638             | <b>COUSINS</b> -cannot intermarry                            | 2537            |
| examined by commissioners semi annually                         | 639             | <b>COVENANTS</b> -accompanying transfer, effect of           | 3244            |
| cash book   | 1604            | what implied in grant of real property.                      | 3249            |
| statement of receipts and expenditures                          | 1664            | running with land, defined                                   | 3443            |
| collector of taxes  | 1597            | who bound by   | 3448            |
| duplicate receipts  | 1599            | who not bound by   | 3449            |
| for licenses, fines, etc  | 1605            | apportionment of burden or benefit of.                       | 3450            |
| neglect-penalty   | 1617            | for benefit of land run with land                            | 3445            |
| mileage for making demand, when.                                | 1618            | of future addition to land run with land, when               | 3447            |
| list of uncollectible taxes                                     | 1616            | of warranty run with land                                    | 3446            |
| city taxes .  | .923,1164       | for quiet enjoyment run with land....                        | 3446            |
| compensation  | 129             | for further assurance run with land....                      | 3446            |
| town taxes, when  | 1057,1058       | for payment of rent, taxes, etc.,run with land               | 3446            |
| compensation  | 1058            | what are the usual   | 3613            |
| school township taxes   | 1755            | form of usual  | 3614            |
| penalty for illegal use of                                      | 1755            | of seizin, warranty, etc., damages for breach of             | 4584            |
| school taxes levied by city, town orvillage boards of education | 1824            | against incumbrances, damages forbreach of                   | 4585            |
| road taxes in cities and towns                                  | 1167            | (See Warranty.)  |                 |
| artesian well taxes   | 2125, 2125,2126 | <b>COVERTURE</b> -as an excuse for crime                     | 6219,6221       |
| drainage assessments  | 2078            | what coverture does not excuse....                           | 6221,6222       |
| penalty for neglect   | 1645            |  |                 |

# INDEX.

|   | Section.  |   | Section.         |
|---|-----------|---|------------------|
| <b>COVERTURE.</b> -Continued.inference of subjection from ,overture |           |   |                  |
| may be rebutted   | 6223      | <b>CREDITOR.</b> -Continued.                            |                  |
| <b>CREDIT</b> -defined, for taxation                                | 1553      | lien void against, when                                 | 4345             |
| to agent exonerates principal, when...                              | 3994      | mortgage of personal property not filed void against    | 4379             |
| agent accepting personal, liable as principal                       | 4000      | void against, unless filing renewed..                   | 4383             |
| auctioneer may not give, except when unusual                        | 4008      | contracts of debtor valid against, when.                | 4653             |
| factor may give, except when unusual                                | 4011      | debtor may prefer, when                                 | 4654             |
| of shipowner, master may borrow on,when                             | 4014      | must resort to different funds, in what order           | 4655             |
| manager cannot borrow on  | 4026      | certain transfers, etc., of debtor void against         | 4656, 4657       |
| letter of (See Letter of Credit.)                                   | 4312-4320 | can avoid act of debtor, when                           | 4658             |
| <b>CREDITOR</b> -defined  | 4652      | transfer without value not necessarily void against-    | 4659             |
| trust fund, how far liable to                                       | 2800      | assignment for benefit of (See Assignment.)             | 4660             |
| when void against   | 2810      | void against, when                                      | 4663, 4665, 4671 |
| power, when lien against  | 2828      | may require assignee to account                         | 4674             |
| creates a fee in favor of   | 2853      | right of to administer estate of deceased debtor        | 5705, 5707       |
| reserved continues ownership in fad or of                           | 2857      | notice in administration of estates                     | 5787             |
| special and beneficial, liable to                                   | 2864      | of decedents may require action to set                  |                  |
| gift in view of death to be treated as legacy in favor of           | 3267      | aside fraudulent conveyance                             | 5869             |
| entitled to benefit of surety's securities                          | 4311      | may call administrator to account                       | 5891             |
| performance in manner directed by,sufficient                        | 3454      | (See Debtor.)   |                  |
| application of performance by                                       | 3457      | <b>CRIMES</b> -defined                                  | 6202, 7026       |
| acceptance by, necessary to satisfaction                            | 3451,3482 | punishment for  | 7026             |
| offer of performance may be made at place appointed by              | 3462      | felonies  | 6212             |
| must be made to   | 3461      | misdeameanors   | 6211             |
| must be made so as to benefit                                       | 3466      | division of   | 7027             |
| must give receipt on payment  | 3472      | what acts are criminal                                  | 6201             |
| must state objections to offer                                      | 3474      | jury find degree of                                     | 6208             |
| title to thing offered passes to, when...                           | 3475      | who capable of committing                               | 6215             |
| obligations of, as to thing offered                                 | 3477      | intoxication as an element of                           | 6217             |
| performance excused, if prevented by                                | 3478      | duress or coverture as excuse                           | 6219-6221        |
| effect of prevention, etc., of performance by                       | 3480      | parties to  | 6225-6229        |
| effect of refusal by, to accept performance                         | 3482      | compounding, how punished                               | 6384             |
| acceptance of accord by, is satisfaction                            | 3485      | attempts to commit, conviction for, restricted          | 6943             |
| release by, how made  | 3491      | resulting in failure                                    | 6944             |
| effect of   | 3492      | when lesser crime results                               | 6945             |
| may rescind novation, when  | 3490      | against public justice                                  | 6326, 6326,6327  |
| liability of partner after dissolution to                           | 4059      | against public peace                                    | 6676-6697        |
| of special partnership, special partner may be                      | 4084      | against the revenue and property of the territory....   | 6698-6716        |
| special partner postponed to every other                            | 4084      | against public health and safety...                     | 6632-6675        |
| when liable as general partner to..                                 | 4088      | against the legislative power                           | 6314--6325       |
| preference given to, in insolvency, void                            | 4089      | against the person                                      | 6428-6631        |
| guarantor liable to, when   | 4264      | by and against the executive power                      | 6296-6313        |
| exonerated by certain dealings between debtor and                   | 4290      | against religion and conscience ....                    | 6230-6254        |
| partially exonerated by partial payment to                          | 4293      | against the elective franchise                          | 6235-6295        |
| not exonerated by voidable promise to                               | 4291      | <b>CRIME AGAINST NATURE</b> -punishedhow                | 6517             |
| by mere delay of  | 4294      | what sufficient to constitute                           | 6548             |
| by discharge of debtor without act of                               | 4296      | <b>CRIMINAL ACTION</b> (See Actions.)                   |                  |
| with indemnity, when not exonerated                                 | 4295      | <b>CRIMINAL CONVERSATION</b> -limita                    |                  |
| surety liable only as such,not withstand                            |           | tion of costs in action for                             | 5191             |
| ing recovery of judgment by   | 4301      | limitation of action                                    | 4850             |
| exonerated by injurious act or omission of                          | 4303      | <b>CRIMINAL PROPENSITY</b> -no defense.                 | 6217             |
| by refusal of creditor to sue, when                                 | 4305      | <b>CROPS</b> -standing, injuries to                     | 6896,6897        |
| may enforce remedies of, when                                       | 4308      | <b>CRUELTY</b> -cause for divorce                       | 2559             |
| entitled to securities held, by when..                              | 4309      | to animals, damages for                                 | 4607             |
| entitled to benefit of surety's securities.                         | 4310      | <b>CURTESY</b> -abolished                               | 3402, 3402,2594  |
|   |           | <b>CUSTODY</b> (See Parents - GuardianChildren.)        |                  |
|   |           | <b>DAKOTA NATIONAL GUARD.</b> -(See Militia.)           |                  |
|   |           | <b>DAMAGES</b> -in general                              | 4574-4580        |
|   |           | defined   | 4574             |
|   |           | person wrongfully using materials of another, liable in | 3221             |
|   |           | may be liquidated, when                                 | 3581             |
|   |           | may recover future loss, when                           | 4576             |
|   |           | interest by way of                                      | 4577             |

# INDEX.

|   | Section.         |  | Section.              |
|---|------------------|--|-----------------------|
| <b>DAMAGES</b> -interest-Continued damages bear, when             | 4578             | <b>DAMAGES</b> .- <i>Continued.</i>                              |                       |
| allowed for breach of obligation other than contract              | 4578             | limitation of action for   | 4848-4853             |
| for fraud, malice, etc  | 4578             | in mandamus  | 5552-5527             |
| acceptance of principal waives                                    | 4779             | from prairie fires, liability for                                | 2394, 2398-2400, 6660 |
| exemplary, when allowed   | 4589             | for importation of Texas cattle                                  | 2315, 2316            |
| not against minor, lunatic, etc                                   | 2523             | for injury to animals by railroads..                             | 5500-5504             |
| penal   | 4608-4611        | growing out of injunction proceedings.                           | 4988                  |
| measure of, for breach of contract                                | 4581             | for usurpation of office, when recoverable                       | 5354                  |
| must be clearly ascertainable                                     | 4558             | writ of inquiry of, may issue, when                              | 4919                  |
| for payment of money  | 4582             | may be assessed by referee                                       | 4988, 5527            |
| for dishonor of bills of exchange                                 | 4559-4561, 4583  | excessive, ground for new trial, when..                          | 5088                  |
| for breach of covenant of seizin                                  | 4584             | costs in certain actions limited by amount of                    | 5191                  |
| of right to convey, warranty and                                  |                  | for trespass of animals  | 5569-5576             |
| quiet enjoyment   | 4584             | for withholding will   | 5659                  |
| against incumbrances  | 4585             | to be sued for by administrator, when..                          | 5862                  |
| of agreement to convey real property                              | 4586             | administrator liable for, when                                   | 5854, 5854, 5855      |
| to purchase real property   | 4587             | jurisdiction of action for in justice's court                    | 6042                  |
| to sell personal property not paid for                            | 4588             | claims for, not affected by criminal prosecution                 | 6981                  |
| to deliver personal property paid for                             | 4589             | arising from malicious mischief                                  | 6882                  |
| to buy personal property  | 4590-4591        | <b>DAMS</b> -interference with                                   | 6901                  |
| of warranty of title to personal property                         | 4592             | destroying   | 6902                  |
| of quality of personal property..                                 | 4593-4594        | <b>DATE</b> -of negotiable instrument not necessary to be stated | 4460                  |
| of carrier's obligation to accept freight, etc                    | 4595             | negotiable instrument may bear any ..                            | 4463                  |
| to deliver freight, etc   | 4596, 4596, 4597 | of delivery of written instrument presumed                       | 2732-3230             |
| to deliver messages   | 3910             | essential to validity of olographic will.                        | 3313                  |
| of warranty of agent's authority....                              | 4598             | <b>DATES</b> -January 1-a holiday                                | 4749, 4749, 4750      |
| of promise of marriage  | 4599             | bridge corporations must make annual                             |                       |
| for wrongs in general   | 4600-4607        | report within twenty days from                                   | 3134                  |
| for breach of obligation not arising on contract                  | 4600             | clerk of board of education-of normal school at Madison          |                       |
| for wrongful occupation of real property                          | 4601             | transmits report   | 346                   |
| for holding over real property                                    | 4602             | of normal school at Spearfish transmits report                   | 363                   |
| for conversion of personal property                               | 4603-4605        | of normal school at Springfield transmits report                 | 384                   |
| in favor of lienor  | 4605             | county assessor to file list of persons liable for military duty | 1918                  |
| for seduction   | 4606             | county treasurer to commence collec-                             |                       |
| for injuries to animals   | 4607             | tion of unpaid personal taxes by distress or sale                | 1609                  |
| for tenant's failure to quit, after notice                        | 4608             | district attorney to file statement ....                         | 436                   |
| holding over  | 4609             | insurance companies to make annual statement                     | 3053                  |
| for forcible dispossession  | 4610             | mining and manufacturing companies                               |                       |
| for injuries to trees, etc  | 4611             | to make annual report within twenty days                         | 3112                  |
| value of property, how estimated in assessing, in favor of seller | 4612             | taxes receivable after, until collected                          | 1615                  |
| in favor of buyer   | 4613             | telegraph companies to obtain license before                     | 1577                  |
| peculiar, when allowed as   | 4614             | territorial treasurer to make quar                               |                       |
| of instrument in writing, when allowed as                         | 4615             | terly payment of allowance to supreme judges                     | 407                   |
| to be reasonable  | 4618             | to September 1-unlawful to kill                                  |                       |
| nominal   | 4619             | prairie chickens or grouse                                       | 2366                  |
| for delay must be paid on redemption from lien                    | 4340             | unlawful to kill elk, buffalo, deer, etc                         | 2379                  |
| difficulty of ascertaining, ground for specific relief            | 4649             | first Monday-county auditor to hold                              |                       |
| inadequacy of, ground for specific relief                         | 4649             | office two years from  | 647                   |
| assessed by viewers of proposed road..                            | 1201             | county commissioners meet  | 579                   |
| payment of, how made  | 1203             | county treasurer to furnish state                                |                       |
| assessed by reviewers of road not on section line                 | 1211, 1213, 1216 | ment to superintendent of schools                                | 1752                  |
| in estimating, benefits to be considered                          | 1230             | justice of the peace to make quarterly report                    | 6184                  |
| to settler on public lands, when..                                | 1232, 1233       | probate court, term of, held                                     | 686                   |
| against violators of law of the road.                             | 1350-1353        | road supervisor to make report....                               | 1259                  |
| against vendors of intoxicating liquors.                          | 2203             |  |                       |

# INDEX.

|  | Section.        |  | Section.        |
|--|-----------------|--|-----------------|
| <b>DATES-January-first Monday-Continued.</b>                 |                 | <b>DATES-April-Continued.</b>                            |                 |
| officers in general--regular term of office begins           | 1379            | first Tuesday-public examination of teachers             | 1722            |
| shall qualify and enter upon duties within ten days          | 1380            | first week, board of education of nor                    |                 |
| all liquor licenses expire on                                | 2204, 2204,2226 | mal school at Spearfish meets....                        | 362             |
| first Tuesday-public examination of teachers                 | 1722            | at Springfield meets                                     | 383             |
| first week-board of education of nor                         |                 | second Tuesday-township school board meets               | 1746            |
| mal school at Madison meet                                   | 345             | third Tuesday-terms of city officers begin               | 953             |
| at Spearfish meet  | 362             | May 1-assessor not to commence assessing before          | 1546            |
| at Springfield meet  | 383             | 15 to September 1-unlawful to kill wild duck, geese, etc | 2366            |
| second Tuesday-legislature meets..                           |                 | 30-a holiday   | 4749,4750       |
| 2 district boards of agriculture enter                       |                 | territorial auditor to forward list of                   |                 |
| upon duties of office  | 177             | lands becoming taxable                                   | 1646            |
| township school board meets                                  | 1746            | first Monday-annual election of town officers ....       | 1033            |
| secretary of territory communicates                          |                 | probate court, term of, held                             | 686             |
| sheriff's reports to legislature                             | 7794            | second Tuesday-supreme court, term                       |                 |
| February 1-city treasurer to give notice of tax sale         | 983             | of, commences at Yankton                                 | 405             |
| to May 1-unlawful to catch certain fish                      | 2388            | third Tuesday-boards of education hold annual meeting    | 1857            |
| to November 1-importation of Texas cattle unlawful           | 2311, 2312      | June 1-city reports expenditure                          |                 |
| 22-a holiday   | 4749, 4749,4750 | three-fourths of available fund...                       | 906             |
| first Monday-unpaid taxes become delinquent on               | 1610            | clerk of school township to make                         |                 |
| supreme court, term of, at Bismarck                          | 405             | enumeration of resident school children                  | 1760            |
| third Monday-regents of agricultur                           |                 | 30-boards of education to determine                      |                 |
| al college appointed, biennially....                         | 313             | and certify rate of taxation                             | 1866            |
| last Tuesday-township supervisors meet....                   | 765             | first Tuesday-election of directors of corporations      | 2923            |
| .own board of auditors meet                                  | 791             | public examination of candidates for teachers            | 1722            |
| March 1-city auditor to make report..                        | 905             | oard of trustees of school of mines meet                 | 401             |
| receivers of insurance companies to make annual statement    | 3074            | first week-board of education of nor                     |                 |
| road supervisor to make list of persons liable for road duty | 1245            | real school at Madison meet                              | 345             |
| public examiners to hold office two years from               | 117             | second Tuesday-town assessor to make                     |                 |
| 5, 1887-unlawful to kill quail for two years from            | 2375            | return of assessment roll                                | 1052            |
| 11, 1887-unlawful to kill beaver for five years from         | 2385            | third Tuesday-annual school election                     | 1697            |
| 30-territorial superintendent to hold office two years from  | 1690            | city board of equalization meets....                     | 918             |
| 31 to October 1--estray law in effect                        | 2293            | fourth Monday-board of review meets                      | 797             |
| first Monday-county treasurer to pay                         |                 | township supervisors meet                                | 765             |
| money to territorial treasurer....                           | 1644            | July 1 - territorial auditor to issue                    |                 |
| probate court, term of, held                                 | 686             | warrant for insurance tax                                | 1139            |
| sale of real property for unpaid special city taxes          | 983             | territorial treasurer to make quar                       |                 |
| first tuesday-township meetings to be held                   | 714             | terly payment of allowance to supreme judges             | 407             |
| last Tuesday-township supervisors to meet                    | 765,1270        | 4-a holiday  | 4749, 4749,4750 |
| April 1-tax list to include all property owned on            | 1547            | 30.1886-indebtedness prior to, by                        |                 |
| telegraph companies to pay license fee                       | 1580            | board of education or school district                    |                 |
| territorial treasurer to make quar                           |                 | may be refunded  | 1879            |
| terly payment of allowance to supreme judges                 | 407             | first Monday-county and township                         |                 |
| 1, 1887-railroad commissioners to hold office two years from | 137             | assessors to deliver to county clerk assessment roll     | 1582            |
| first Monday-county commissioners ineet                      | 579             | county board of equalization meets                       | 1584            |
| county treasurer to furnish state                            |                 | county commissioners meet                                | 579             |
| ment to superintendent of schools                            | 1752            | shall make annual statement                              | 593             |
| justice of the peace to make quarterly report                | 6184            | county treasurer to make and file                        |                 |
| proposals for care of poor to be acted upon                  | 2146            | list of uncollectible personal taxes                     | 1616            |
|  |                 | to furnish statement to superin                          |                 |
|  |                 | tendent of schools                                       | 1752            |
|  |                 | justice of the peace to make quarterly report            | 6184            |
|  |                 | probate court, term of, to be held on                    | 686             |
|  |                 | first week -board of education of nor                    |                 |
|  |                 | mal school at Spearfish meet                             | 362             |
|  |                 | at Springfield meet                                      | 383             |

# INDEX.

|   | Section.         |  | Section.         |
|---|------------------|--|------------------|
| <b>DATES-July-second Tuesday.-Continued</b>               |                  | <b>DATES-October.-Continued.</b>                             |                  |
| second Tuesday-township school board meet                 | 1716             | first week-meeting of board of education                     |                  |
| to elect clerk  | 1702             | of normal school at Spearfish                                | 362              |
| to make settlement with treasurer                         | 1748             | at Springfield   | 383              |
| August 1-grain warehouse licenses expire on               | 162              | second Tuesday-township school board meets                   | 1746             |
| three-fourths of road labor to be assessed before         | 1292             | past Tuesday-town board of auditors meets                    | 791              |
| tax duplicate to be delivered to county collector         | 1057             | township supervisors meet                                    | 765              |
| 10 to December 10-sheep inspector to                      |                  | November 1-city treasurer to give notice of tax sale         | 983              |
| make annual round   | 2364             | all taxes become a lien upon real estate                     | 1612             |
| 15-school tax to be levied on or before                   | 1744, 1824       | to February 1-importation of Texas cattle lawful             | 2311, 2312       |
| first Monday-common council to make tax levy              | 1162             | 15-insurance company not liable for                          |                  |
| county auditor to forward certified                       |                  | recovery of loss by hail before                              | 3094             |
| list of tree planting                                     | 2406             | 30-fiscal year of hospital for the insane closes on          | 240              |
| first Tuesday-public examination of teachers              | 1722             | warden of Sioux Falls penitentiary reports to directors      | 7685             |
| second Monday-territorial board of                        |                  | first Monday-county clerk and treasurer to                   |                  |
| equalization meets  | 1588             | make and post a detailed exhibit of                          |                  |
| third Monday-auditor to transmit                          |                  | receipts and disbursements                                   | 1664             |
| territorial tax ..  | 1590             | county treasurer to file returns of tax sale                 | 1624             |
| September 1-boards of education to make report            | 1876             | probate court, term of, held                                 | 686              |
| city auditor to report                                    | 905              | sheriff files jail report with clerk of                      |                  |
| fiscal years of cities begin                              | 905              | district court and secretary of the territory                | 7794             |
| railroad commissioners to establish grades of grain       | 167              | next Tuesday after-general elections                         | 1441             |
| to January 1-lawful to kill prairie                       |                  | December 1, 1886, and biennially-terri                       |                  |
| chickens or grouse  | 2366             | torial superintendent of public                              |                  |
| lawful to kill elk, buffalo, deer, etc                    | 2379             | health to make report  | 204              |
| to May 15-lawful to kill wild ducks, geese, etc           | 2366             | 15-dental examiners to make annual report                    | 214              |
| 15-railroad corporations to make annual report            | 141              | territorial board of education to make statements            | 1689             |
| to May 15-fireguard to be kept free from grass, etc       | 2401             | directors of Sioux Falls penitenti                           |                  |
| first Monday-county commissioners to meet                 | 1591             | ary make annual report to governor                           | 7678             |
| may levy taxes any time after....                         | 1591             | 16-penalty attaches to railroad cor                          |                  |
| county treasurer to pay money                             |                  | porations for failure to make annual report                  | 141              |
| to territorial treasurer                                  | 1644             | 25-a holiday   | 4749, 4749, 4750 |
| probate court, term of, to be held..                      | 686              | 30-president of board of trustees of                         |                  |
| first week-county treasurer to publish notice of tax sale | 1620             | school of mines to make report biennially                    | 394              |
| warehousemen to publish schedule of rates                 | 172              | first Monday-faculty of agricultural college                 |                  |
| last Wednesday-artesian well com                          |                  | makes annual report  | 324              |
| mission to file special assessment roll                   | 2123             | road overseers to report persons who have made fireguards    | 2403             |
| October 1-county superintendent to qualify                | 1711             | sale of real property for unpaid special taxes               | 983              |
| territorial treasurer to make quarterly                   |                  | first Tuesday-board of trustees of school of mines meets     | 401              |
| payment of allowance to supreme judges                    | 407              | district boards of agriculture to meet and make              |                  |
| to March 1-estrav law not in ef- . fect.....              | 2293             | annual report within ten days                                | 184              |
| 31-clerk to file certificate regarding                    |                  | first Wednesday-board of trustees                            |                  |
| fire department   | 1137, 1137, 1141 | of school for deaf mutes meets....                           | 265              |
| first Monday-county commissioners meet                    | 579              | board of trustees of hospital for the insane meet            | 240              |
| county treasurer-to hold tax sale.                        | 1621             | last Monday-board of regents of agricultural college meet    | 325              |
| to furnish statement to superintendent                    | 1752             | <b>DAYS OF GRACE-how computed</b>                            | 4524             |
| justice of the peace to make quarterly report             | 6184             | <b>DEAF AND DUMB INSTITUTE - (SeeSchool for Deaf Mutes.)</b> |                  |
| first Tuesday-supreme court, term                         |                  | <b>DEATH-without heirs, meaning of</b>                       | 3240             |
| of, begins at Deadwood                                    | 405              | gift in view of (See Gift.)                                  | 3263             |
| public examination of teachers                            | 1722             | proposal revoked by  | 3522             |
|   |                  | hiring terminable at will, terminates by                     | 3375             |

# INDEX.

|  | Section.        |  | Section.             |
|--|-----------------|--|----------------------|
| <b>DEATH-- Continued.</b>  |                 | <b>DEEDS--Continued</b>                              | forger of            |
| of employer or employe terminates employment, when               | 3773            | referee to make, when                                | 6749                 |
| of trustee vacates his office                                    | 3954            | sheriff's-to purchaser on execution..                | 5395                 |
| trust devolves upon whom after..                                 | 3958, 3959      | in foreclosure of mortgage                           | 5154,5160            |
| of agent terminates agency, when                                 | 4006            | due by decedent, executed by decree                  | 5423 5123,5437       |
| of principal terminates agency, when..                           | 4007            | <b>DEFACING--records, maps, books, and papers</b>    | 5871,5881            |
| of child, attempt to conceal                                     | 6947            | marks on wrecked property                            | 6348, 6348,6349      |
| of murdered person, must be proved, when                         | 6439            | on saw logs  | 6623                 |
| judgment of-how executed   | 7480-7496       | <b>DEFAMATION--definition of</b>                     | 6624                 |
| when defendant is insane   | 7484-7488       | right of protection from                             | 2527                 |
| against pregnant woman   | 7489-7491       | (See Libel-Slander.)                                 | 2526                 |
| how produced on  | 7494            | <b>DEFAULT--of answer, plaintiff takes judgment</b>  | 5025                 |
| <b>DEBT--how extinguished by offer of payment</b>                | 3472            | of reply-defendant takes judgment, when              | 4919                 |
| <b>DEBTOR--defined</b>   | 4651, 4738      | of exceptions pleaded, presumes waiver of objections | 4913                 |
| performance must be made by or for..                             | 3451            | of denial admits allegations of complaint            | 4933                 |
| offer of performance must be made by or for                      | 3460            | in justices' courts-(See Justices' Courts.)          | 6082,6083            |
| may require receipt upon payment                                 | 3472            | <b>DEFEASANCE--of transfer may be proved</b>         | 4350                 |
| rights of, upon prevention of performance                        | 3480            | must be recorded with grant                          | 4371                 |
| joint, effect of release of                                      | 3493            | -in civil actions--defined.                          |                      |
| and several, how sued  | 4901            | <b>DEFENDANT</b>                                     | 4830,5505            |
| contracts of,when valid against creditor                         | 4653            | who should be joined as                              | 4878,4879            |
| may pay or secure one creditor in per                            |                 | court may order additional parties made              | 5371,4878,4885       |
| ference to another   | 4654            | in action-of partition                               | 5356, 5356,5371      |
| certain transfers, etc., of, void against creditors              | 4656,4657       | for an office  | 5355                 |
| when creditor can avoid act of                                   | 4658            | on bills, notes or other obligations                 | 4880                 |
| insolvent, may assign for benefit of                             |                 | to determine conflicting claims to real estate       | 5452                 |
| creditors, when  | 4660            | may be summoned after judgment, when                 | 426,427, 5240, 5241  |
| defined (See Assignment.)  | 4661            | may intervene and defend                             | 4886                 |
| examination of, in supplementary proceedings                     | 574-5185        | may appear and defend after judgment                 | 4900                 |
| of judgment debtor may pay to sheriff                            | 5124,5175       | voluntary appearance of, equivalent to summons       | 4904                 |
| arrest of  | 5174            | surety may be made, after judgment.                  | 5170                 |
| imprisonment of  | 511:1,5115,5174 | other surety made, with mortgagor..                  | 4932, 5433           |
| discharge from   | 5543 5555, 7825 | may be examined by opposing party as a witness       | 5252-5259            |
| right of to redeem (See Redemption.)                             | 5150, 5150,5155 | may defend, how                                      | 641, 4914-4917, 5455 |
| to direct order of sale on execution....                         | 5144            | when entitled to judgment                            | 4919, 5913           |
| (See Creditor.)  |                 | may be sued by fictitious name                       | 4940                 |
| <b>DEBTOR AND CREDITOR--special relations of</b>                 | 4651-4680       | may note issue, and have case put on calendar        | 5034                 |
| (See Assignment-Creditor-Debtor-Fraudulent InstrumEnts.)         |                 | infant, may appear by guardian..                     | 4874, 5961           |
| <b>DECEDENT--property of, how applied to</b>                     |                 | in mandamus, may bring on the argument               | 5525                 |
| payment of his debts   | 3380            | may furnish the papers and proceed to trial, when    | 5035, 5035,5036      |
| corporate stock belonging to, how represented                    | 2910            | rights of, on the trial                              | 5147, 5149           |
| (See -ntestate-Testator-Executors and Administrators.)           |                 | time-allowed to plead                                | 4908, 4911, 4894     |
| <b>DECEIT--avoids contract, when</b>                             | 3507            | may be extended by the court                         | 4939                 |
| an essential element of fraud                                    | 3507            | may amend pleading, when                             | 4937                 |
| wh n actionable  | 3598            | may make supplemental pleading, when                 | 4942                 |
| <b>DECISIONS--of tribunals, evidence of common law</b>           | 2504            | waives exceptions to pleadings, how.                 | 4913                 |
| <b>DECK--freight not to be stowed on, when.</b>                  | 3847            | not entitled to service, when                        | 5333                 |
| things stowed on, when entitled to                               |                 | right of, to retain possession in ejectment, until   | 5458                 |
| benefit of general average                                       | 3877            | proposal of to fix damages in advance                | 5248                 |
| <b>DECLARATION--of trust, defined</b>                            | 3938            | may offer to compromise                              | 5246                 |
| must be proved   | 3940            | may offer to confess judgment ...                    | 5537, 5538           |
| Inay reserve power of revocation                                 | 3952            | entitled to costs, when                              | 5195, 5192, 5189     |
| <b>DEEDS--title, are personal property, appurtenantto estate</b> | 3202            |  |                      |
| of husband and wifo  | 2597            |  |                      |
| to purchaser at, tax sale  | 1638            |  |                      |
| form of  | 1639            |  |                      |

# INDEX

|  | Section.        |   | Section         |
|--|-----------------|---|-----------------|
| <b>DEFENDANT</b> -in civil actions- <i>Continued.</i>  |                 | <b>DEFENDANT</b> -in criminal actions <i>Continued.</i> |                 |
| death of does not abate action...                      | 4881, 5376      | may have witnesses examined conditionally.              | 7540            |
| may stay proceedings in execution bypayment            | 5440, 5441      | outside of territory                                    | 7551            |
| may move for change of venue, when                     | 4891            | absence from territory, no part of limitation           |                 |
| may be examined on oath as to assets                   | 5174            | of time for commencing action                           | 7115            |
| may be arrested and imprisoned, when ..                | 5174            | evidence of need not be received by grand jury          | 7217            |
| in probate proceedings, who is...                      | 5671, 5957      | witness for, disobeying subpcena forfeits fifty dollars | 7539            |
| in partition of estate                                 | 5937            | on acquittal for insufficiency of evidence,             |                 |
| administrator or executor may be                       | 5796, 5863      | must be held for new indictment                         | 7454            |
| special may be   | 5748            | insanity of-how tried                                   | 7561-7573       |
| injustice's court                                      | 6052            | in capital cases-proceedings..                          | 7484-7488       |
| time allowed to appear                                 | 6054            | who pays expenses of keeping                            | 7573            |
| one hour of grace                                      | 6057            | indigent-county may employ counsel for                  | 7574            |
| in criminal actions-defined                            | 7034            | pregnancy of, how determined...                         | 7489-7491       |
| his rights   | 7035            | examination of  | 7162-7187       |
| can be prosecuted but once                             | 7036            | must be informed of charge                              | 7162            |
| cannot be compelled to testify against himself         | 7037            | right to counsel  | 7163            |
| conviction had how                                     | 7038            | disposition of on adjournment                           | 7166            |
| arraignment of-(See Arraignment.)                      | 7263-7282       | may be committed for                                    | 7167            |
| presumed innocent                                      | 7376            | entitled to subpoenas                                   | 7168            |
| may be witness for prosecution                         | 7379            | may cross-examine witnesses                             | 7169            |
| may be witness for defense                             | 7380            | may produce witnesses                                   | 7176            |
| is competent witness                                   | 7381            | discharged, when  | 7173            |
| two or more, tried separately, when..                  | 7378            | held to answer, when                                    | 7175            |
| may be held to answer for higher of                    |                 | admitted to bail, when                                  | 7177            |
| fense when testimony shows it so to be                 | 7387            | commitment if bail not given..                          | 7178, 7179      |
| held when jurisdiction is in another county or state   | 7391            | if offense not bailable                                 | 7176            |
| may be admitted to bail                                | 7392            | <b>DEFINITIONS.</b>                                     |                 |
| if no warrant issued shall be discharged               | 7393            | Abandonment   | 4226            |
| when' offense not punishable can be held, when         | 7395            | Acceptance of offer                                     | 3520            |
| verdict-defendant charged with fel                     |                 | Acceptance of bill                                      | 4530            |
| ony must be present, when rendered                     | 7418            | Accessories to crime                                    | 6.227           |
| when several   | 7430            | Accord  | 3483            |
| on acquittal must be discharged....                    | 7436            | Action  | 4811            |
| of conviction, may be committed...                     | 7437            | civil   | 4815,4830       |
| when defense is insanity                               | 7438            | criminal  | 4814            |
| informed of 7464 judgment-in absence of,               |                 | Adult   | 2510            |
| when pronounced  | 7457            | Adultery  | 2560, 2560,6534 |
| may show cause against                                 | 7465            | Advancement   | 3413            |
| for fine, may be imprisoned until paid                 | 7471            | Adverse possession                                      | 4842            |
| how imprisoned when convicted of two offenses          | 7470            | Affidavit   | 5278            |
| challenges of jury allowed-to                          | 7353            | Agency  | 3960            |
| must be informed by court of rights of                 | 7349            | actual  | 3964            |
| several must join in challenge                         | 7338            | ostensible  | 3965            |
| bail-allowed when and how (See Bail.)                  | 7604-7612       | Agent   | 3961            |
| may be required on change of venue                     | 7315            | Agreement of sale                                       | 3607            |
| indicted by fictitious name                            | 7243            | to sell   | 3608            |
| when several   | 7259            | to buy  | 3609            |
| discharged on setting aside indictment                 | 7287, 7287,7297 | to sell and buy   | 3610            |
| held if case be re-submitted                           | 7288, 7288,7298 | Appellant   | 5214            |
| may have change of venue, when. ...                    | 7312            | Appurtenances   | 2682            |
| must be present at trial, when                         | 7321            | Arrest  | 7138            |
| may be committed during trial                          | 7407            | Arson   | 9717            |
| notbroughtto trial at term succeed                     |                 | Articles of incorporation                               | 2897            |
| ing indictment, action dismissed...                    | 7650            | Assault   | 6505            |
| unknown, may be designated by any name                 | 7122            | Auction   | 1616            |
| absence of in trial for felony is ground for new trial | 7450            | Authority. actual                                       | 5978            |
|  |                 | ostensible  | 3979            |
|  |                 | Average, general  | 3671            |
|  |                 | Bail  | 4271            |
|  |                 | Barratry  | 6391            |
|  |                 | Battery   | 6506            |
|  |                 | Beneficiary   | 3914            |
|  |                 | Bigamy  | 6542            |
|  |                 | Bill of exchange  | 4517            |
|  |                 | inland  | 4549            |
|  |                 | foreign   | 4549            |
|  |                 | Bill of lading  | 3855            |

# INDEX.

|                               | Section.         |   | Section.   |
|-------------------------------|------------------|---|------------|
| <b>DEFINITIONS-Continued.</b> |                  | <b>DEFINITIONS-deviation-Continued.</b> |            |
| Blasphemy                     | 6230             | improper                                | 4213       |
| Bottomry                      | 4418             | Diligence                               | 4733       |
| Bribe                         | 6966             | ordin ary                               | 4734       |
| Building                      | 6718             | great                                   | 4734       |
| Burglary                      | 6736-6743        | Director                                | 6862       |
| Burning..                     | 6721             | Disfigurement                           | 6469       |
| Business days                 | 4751             | Dishonor                                | 4498       |
| Butter                        | 2251             | Dominant tenement                       | 2762       |
| Care, slight                  | 4734             | Duel                                    | 6494       |
| ordinary                      | 4734             | Duress                                  | 3504       |
| great                         | 4734             | Dwelling-house                          | 6747       |
| Challenge..                   | 6499, 7337       | Easements                               | 2760       |
| to prize fight                | 6688             | Election                                | 6290       |
| Charter-party                 | 3750             | Embezzlement                            | 6796       |
| Chattel,real                  | 2738             | Employe                                 | 3751       |
| interest                      | 2738             | Employer                                | 3751       |
| Cheese                        | 2251             | Employment                              | 3751       |
| Check                         | 4567             | Escrow                                  | 3232       |
| Children                      | 4737             | Estates in real property                | 2709, 2734 |
| Collusion                     | 2568             | in fee                                  | 2735       |
| Common carrier                | 3881             | of freehold                             | 2738       |
| Common law                    | 2503             | Exception                               | 5079       |
| Concealment                   | 4119             | Exchange                                | 3653       |
| Condition precedent           | 3429, 2713, 3372 | Extortion                               | 6808       |
| subsequent                    | 3431, 2713, 3375 | Factor                                  | 3791, 4016 |
| concurrent                    |                  | False statement                         | 6358       |
| Conditional limitation        | 3430             | Family                                  | 2450,2467  |
| devise or legacy              | 7341             | Felony                                  | 6204,7028  |
| obligation                    | 3427             | Fixtures                                | 2681       |
| Condonation                   | 2569             | Fraud..                                 | 3506-3b08  |
| Connivance                    | 2567             | Freight                                 | 3843       |
| Consent to marriage           | 2536             | Freightage                              | 3843       |
| Consideration                 | 3530             | Gen der                                 | 6978       |
| Consignee                     | 3843             | General guardian                        | 2625       |
| Consignor                     | 3843             | Gift                                    | 3260, 6331 |
| Contract                      | 3494             | in view of death                        | 3262       |
| express                       | 3540             | Good faith                              | 4739       |
| implied                       | 3541             | Good will                               | 3.00       |
| Conveyance                    | 2844             | Goods                                   | 6617       |
| Corporation                   | 2889             | Grand jury                              | 7190       |
| public                        | 2895             | Grant                                   | 3228       |
| private                       | 2896             | Guaranty                                | 4273       |
| articles of                   | 2897             | Continuing                              | 4288       |
| Corruptly                     | 6963             | Guardian                                | 2632       |
| Covenants running with land   | 3443             | Hiring                                  | 3726       |
| Covenants, usual              | 3613             | Holidays                                | 4749, 4750 |
| Creditor                      | 4652,4738        | Homicide                                | 6437       |
| Credits                       | 1553             | Idiot                                   | 2198       |
| Crimes                        | 6202,7026        | Impossibility                           | 3527       |
| Criminal action               | 7032             | Incest                                  | 6546       |
| Cruelty-extreme               | 2561             | Incestuous marriage                     | 2537       |
| Customary                     | 4754             | Income                                  | 2731       |
| Damages                       | 4574             | Incompetency of executor                | 5695       |
| Day                           | 6240             | of administrator                        | 5709       |
| Debtor                        | 4651,4738        | Indemnity                               | 4263       |
| Deceit                        | 3599             | Indenture                               | 2656       |
| Declaration of trust          | 3938             | Indictment                              | 7213       |
| Defamation                    | 2527             | Indorsee in due course                  | 4487       |
| Defendant                     | 4830,5505        | Indorsement                             | 4471       |
| in criminal action            | 7034             | general                                 | 4475       |
| Deposit                       | 3657             | special                                 | 4476       |
| voluntary                     | 3658             | Yndorser                                | 4471       |
| involuntary                   | 3659             | Information                             | 7117       |
| for keeping                   | 3661             | Inhabited building                      | 6719       |
| for exchange                  | 3662             | Insane                                  | 2198       |
| gratuitous                    | 3677             | Insolvency                              | 4452, 4661 |
| for hire                      | 3681             | Insurance                               | 4097       |
| Deposition                    | 5279             | double                                  | 4181       |
| Depository for hire           | 3681             | marine                                  | 4187       |
| Desertion-wilful              | 2562             | Insured                                 | 4101       |
| Detriment                     | 4575             | Insurer                                 | 4101       |
| Deviation                     | 4211             | Intemperance, habitual_                 | 2564       |
| proper                        | 4212             | Interest of money                       | 4761       |



# INDEX.

| DEFINITIONS-interest of money-Continued. | Section.        | DEFINITIONS-notice-Continued. | Section          |
|--|-----------------|-------------------------------|------------------|
| compound                                 | 4761            | constructive                  | 4742             |
| Interests:joint                          | 2692            | Novation                      | 3487             |
| partnership                              | 2693            | Nuisance                      | 4681, 4681,5465  |
| in common                                | 2694            | public                        | 4682, 6632       |
| present                                  | 2697            | private                       | 4683             |
| future                                   | 2698            | Number                        | 6977             |
| perpetual                                | 2699            | Oath                          | 4760, 6352, 7660 |
| limited                                  | 2700            | Object of contract            | 3525             |
| vested                                   | 2702            | Obligation                    | 3421             |
| contingent                               | 2703            | conditional                   | 3427             |
| Intoxicating liquors                     | 2223            | Oral examination              | 5280             |
| Jettison                                 | 3871            | Order of court                | 5323, 5323,5506  |
| Judgment                                 | 5024, 5024,5506 | Owner                         | 5483, 5570       |
| Kidnaping                                | 6474            | Ownership                     | 2675             |
| Knowingly                                | 6965            | absolute                      | 2688             |
| Land                                     | 2680            | qualified                     | 2689             |
| Lapse of time, unreasonable              | 2576            | sole or several               | 2690             |
| Larceny                                  | 6780            | joint                         | 2692             |
| Law                                      | 2501            | partnership                   | 2693             |
| Legacy, specific                         | 3378            | in common                     | 2694             |
| demonstrative                            | 3378            | Paper                         | 4745             |
| residuary                                | 3378            | Parcel                        | 7339             |
| general                                  | 3378            | Partnership                   | 4027             |
| Letter of credit                         | 4312            | general                       | 4042             |
| general                                  | 4315            | Partnership property          | 4035             |
| special                                  | 4315            | Payment                       | 3456             |
| Libel                                    | 2528,6511       | Peace officer                 | 6968,7124        |
| Lien                                     | 4321            | Perils of the sea             | 3903             |
| general                                  | 4323            | Perjury                       | 6351             |
| special                                  | 4341            | Person                        | 4746,6975,6976   |
| Loan for use                             | 3698            | Person of unsound mind        | 2512             |
| for exchange                             | 3711            | Personal property             | 2683, 4760, 6973 |
| of money                                 | 3715            | Plaintiff ....                | 4830, 5505       |
| Loss, total                              | 4215            | Pledge ...                    | 4392             |
| partial                                  | 4216            | Pledgeholder                  | 4399             |
| actual total                             | 4218            | Policy of insurance           | 4141             |
| constructive total                       | 4219            | open                          | 4150             |
| Lottery                                  | 6574            | valued                        | 4151             |
| Magistrate                               | 6969,7118       | running                       | 4152             |
| Maiming.. .                              | 6465            | Possibility                   | 3527             |
| Malice-maliciously                       | 6964            | Power                         | 2814             |
| Manager of ship                          | 3826            | grantor of                    | 2815             |
| Managing owner                           | 3826            | general                       | 2817             |
| Manslaughter                             | 6450, 6454      | special                       | 2818             |
| Marriage                                 | 2536            | beneficial                    | 2819             |
| Master                                   | 3780            | in trust                      | 2820             |
| Mate                                     | 3807            | general                       | 2821             |
| Maturity, apparent                       | 4492            | special..                     | 2822             |
| Menace                                   | 3505            | Presentment, proper           | 4491, 4526, 7212 |
| Minor....                                | 2509            | Preventive relief             | 4622             |
| Misdemeanor                              | 6205, 7029      | Price                         | 3605             |
| Mistake                                  | 3511            | Prison                        | 6346             |
| of fact                                  | 3512            | Prisoner                      | 6347             |
| of law                                   | 3513            | Privileged communication      | 6519             |
| of foreign law                           | 3514            | Privileged publication        | 2530             |
| Month                                    | 4757            | Process                       | 4807             |
| Mortgage                                 | 4346            | Profane swearing              | 6233             |
| Motion                                   | 324,5506        | Prohibition, writ of          | 5530             |
| in arrest of judgment                    | 7452            | Promissory note               | 4562             |
| Murder                                   | 6442            | Property                      | 2675,4760,6974   |
| Mutualconsent                            | 3515            | Protest of bill               | 4552             |
| Neglect, negligent, etc                  | 6962            | Public nuisance               | 6632             |
| Neglect, wilful                          | 2563            | Public warehouse              | 159              |
| Negligence, slight                       | 4736            | Publication                   | 6115             |
| ordinary                                 | 4736            | Real property                 | 2679, 4760, 6972 |
| gross .                                  | 4736            | Recrimination                 | 2572             |
| Negotiable instrument                    | 4456            | Reinsurance                   | 4183             |
| New trial                                | 5087, 7449      | Remainder                     | 2742             |
| Night                                    | 6720            | Respondent                    | 5214             |
| Night time                               | 6748            |                               |                  |
| Notice. actual                           | 4741            |                               |                  |

# INDEX.

|   | Section.        |   | Section.   |
|---|-----------------|---|------------|
| DEFINITIONS-Continued.                        |                 |   |            |
| Robbery                                       | 6481            | <b>DEGREE</b> -of negligence-Continued.                   |            |
| Rape  | 6521            | defined   | 4736       |
| Rout  | 6679            | literary, may be conferred on whom and by whom            | 3151       |
| Sabbath                                       | 6238            | of crime, petit jury must find                            | 6208       |
| Sabbath breaking                              | 6239-6241       | of guilt, lowest, conviction for, when doubt              | 7377       |
| Sale  | 3605            | must be found by jury                                     | 7428       |
| Sale by auction                               | 3646            | any degree may be found                                   | 7429       |
| Satisfaction                                  | 3585            | <b>DELAY</b> -in performance may be compensated for, when | 3465       |
| Seal .  | 3548            | how excused   | 3479       |
| Search warrant                                | 7613            | carrier of persons must travel without unreasonable       | 3842       |
| Seaworthiness                                 | 4201            | notice of loss under insurance to be given without        | 4176       |
| Servant                                       | 3780            | in giving notice of loss, how waived....                  | 4179       |
| Servient tenement                             | 2762            | deemed deviation, when                                    | 4211       |
| Servitudes                                    | 2760,2761       | in presentment or notice of dishonor of                   |            |
| Several                                       | 4747            | negotiable instrument, how excused                        | 4512       |
| Ship's manager                                | 3826            | in presentment of bill of exchange, effect of             | 4545       |
| Shipping                                      | 2878            | how excused   | 4547       |
| appurtenances of                              | 2879            | in presentment of promissory note, effect of              | 4566       |
| domestic                                      | 2880            | of check, effect of                                       | 4568       |
| foreign                                       | 2880            | in protest, how excused                                   | 4555       |
| Signature                                     | 6970,7661       | <b>DELEGATE TO CONGRESS</b> -election of, how certified   | 1474       |
| Slander                                       | 2529            | <b>DELIVERY</b> -of grant to grantee necessarily absolute | 3231       |
| Solemnization of marriage                     | 2544            | may be made to stranger in escrow....                     | 3232       |
| Special guardian                              | 2636            | of gift necessary to its validity                         | 3261       |
| Special proceeding                            | 4812            | duties of seller before                                   | 3619, 3620 |
| Special verdict                               | 7422            | of goods sold, when to be made                            | 3621       |
| Special relief                                | 4621            | where to be made  | 3622       |
| State   | 4807            | expense of, by whom borne                                 | 3623       |
| Storage. . . .                                | 3681            | notice of election as to, mode of                         | 3624       |
| Sub-contractor                                | 5485            | buyer's directions as to, to be followed                  | 3625       |
| Subornation of perjury                        | 6363            | when may be demanded                                      | 3626       |
| Subpoena                                      | 7526            | written contract takes effect on                          | 3546       |
| Succession                                    | 3399            | of written contract, effect of                            | 3547       |
| Suicide                                       | 6428            | of thing deposited, must be made on demand                | 3663       |
| Surety  | 4297            | demand of, necessary                                      | 3664       |
| Tense   | 6979            | must be made where  | 3665       |
| Texas or Cherokee cattle                      | 2318            | by joint owners, etc                                      | 3668       |
| Thing in action                               | 2876            | of freight, how to be made                                | 3848       |
| Trade mark                                    | 3199, 3199,6616 | to holder of bill of lading, sufficient..                 | 3860       |
| Transfer                                      | 3222            | of messages, how to be made                               | 3879       |
| Trial   | 5031            | of luggage, when to be made                               | 3892       |
| Trust   | 3911            | essential to pledge                                       | 4344       |
| voluntary                                     | 3912            | of real property, when specifically enforced              | 4624       |
| involuntary                                   | 3913            | of personal property, when specifically enforced          | 4626       |
| Trustee                                       | 3914            | judgment for, form of                                     | 5099, 5112 |
| Trustor                                       | 3914            | of property-belonging to wards                            | 5650       |
| Undue influence                               | 3510            | to administrator on order                                 | 5926       |
| United States                                 | 4807            | of possession of real estate                              | 5881       |
| Unlawful                                      | 3577            | of estate to legatee                                      | 5922       |
| Unlawful assembly                             | 6980            | to executor under foreign will                            | 5926       |
| Usage   | 4753            | <b>DEMAND</b> -of thing wrongfully withheld,              |            |
| Usual .                                       | 4754            | when necessary or not                                     | 3602       |
| Valuable consideration                        | 4755            | of goods sold necessary                                   | 3621       |
| Value   | 4612,4613,4755  | thing deposited must be delivered on..                    | 3663       |
| Verdict                                       | 4756            | need not be delivered without                             | 3664       |
| general                                       | 5060            | for return of thing lent, when necessary.                 | 3709       |
| special                                       | 5060            | employe, other than servant, not                          |            |
| Vessel  | 6967            | bound to deliver without                                  | 3767       |
| Ward  | 2633            | agent to deliver to third person on, when                 | 4001       |
| Warranty                                      | 3627            | upon guarantor, when necessary                            | 4284       |
| Will  | 3396            | of performance must be made before sale of pledge         | 4407       |
| Wilfully                                      | 6961            |   |            |
| Writing                                       | 4762,6778,7659  |   |            |
| <b>DEFRAUD</b> -intent to-what need beshown   | 6980            |   |            |
| <b>DEGREE</b> -of heirships (See Succession.) | 3406-3410       |   |            |
| defined                                       | 4734 1330       |   |            |
| of negligence, slight, ordinary and gross     | 4735            |   |            |

# INDEX.

|  | Section.        |  | Section.         |
|--|-----------------|--|------------------|
| <b>DEMAND</b> -of performance- <i>Continued.</i>               |                 | <b>DEPOSIT</b> - <i>Continued.</i>               |                  |
| how waived by pledgor  | 4409            | of money offered in payment of debt,how made     | 3473             |
| of payment of negotiable instrument,                           |                 | of money as security in arrest                   | 4963             |
| when necessary   | 4490            | money applied on judgment, when...               | 4966             |
| how to be made   | 4191            | value of improvements, when                      | 5458             |
| for relief in complaint  | 4907            | of thing in litigation, when ....                | 4887, 5021, 5383 |
| for copy of complaint  | 4895            | order of, how enforced                           | 5022             |
| for books and papers in quo warranto.                          | 5352            | of money for security instead of under taking    | 5218, 6133       |
| for change of place of trial                                   | 4891            | for bail ...                                     | 7609-7612        |
| for fees by witnesses  | 5266, 5266,5275 | <b>DEPOSITARY</b> -defined                       | 3658             |
| limits the relief sought, when                                 | 5097            | who bound to become                              | 3660             |
| <b>DEMURRER</b> -grounds for                                   | 4909            | must deliver deposit on demand                   | 3663             |
| requisites of-how pleaded                                      | 4910            | not bound to deliver without demand..            | 3664             |
| ceed not be verified   | 4921            | must deliver, where                              | 3665             |
| time for pleading  | 4908, 4908,4918 | must give notice to depositor of adverse claim   | 3666             |
| may be extended  | 5326            | may exonerate himself from liability             |                  |
| raises only issues of law                                      | 5028            | to third person by giving notice                 | 3667             |
| omission to plead waives objections, except                    | 4913            | may deliver to joint owners in shares..          | 3668             |
| sustained, plaintiff may plead over ...                        | 4937            | entitled to indemnity for damage and expenses    | 3669             |
| may be amended   | 4937            | of animals, must provide suitably for them       | 3670             |
| frivolous, may be stricken out                                 | 5026            | may not use deposit                              | 3671             |
| to answer  | 4918            | liability of, during wrongful use of deposit .   | 3672             |
| to reply...  | 4920            | may sell deposit, when                           | 3673             |
| to part and answer to part                                     | 4916            | must give information of cause of loss.          | 3674             |
| to complaint of intervenor                                     | 4886            | duties and liabilities of, in respect to service | 3675             |
| in proceedings against joint debtors...                        | 5243, 5243,5244 | liability of for negligence, how limited.        | 3676             |
| in probate court in contest of wills....                       | 5671            | gratuitous must use slight care                  | 3679             |
| by administrator to causes alleged for his removal             | 5760            | duties of, cease when                            | 3680             |
| in justice's court (See Justice's Court.)                      | 6061-6064       | when creditor is                                 | 3478             |
| to indictment (See Actions, Criminal.)                         |                 | for hire, defined                                | 3681             |
| to accusations (See Actions, Criminal.)                        |                 | must use ordinary care                           | 3682             |
| to challenge of panel  | 7343            | rights of  | 3683             |
| may be oral  | 7343            | may terminate deposit upon reasonable notice     | 3634             |
| trial of   | 7343            | when person offering thing in performance is     | 3476             |
| to challenge of individual juror                               | 7362            | has insurable interest                           | 4108             |
| <b>DENTAL EXAMINERS</b> (See Dentistry.)                       |                 | lien of (See Deposit-Depositor-Storage.) ..      | 4443             |
| <b>DENTISTS</b> (See Dentistry.)                               |                 | clerk of district court maybe                    | 4693, 4693,5218  |
| <b>DENTISTRY</b> -practice of, unlawful, except on certificate | 208             | <b>DEPOSITIONS</b> -IN CIVIL AcTioNs-defined     | 5279             |
| board of dental examiners created                              | 209             | when may be used                                 | 5283             |
| members of, how appointed                                      | 209             | taken  | 5284             |
| officers of  | 210             | taken before action commenced..                  | 5317-5322        |
| practitioner of, to be registered                              | 211             | before whom taken in the territory..             | 5285             |
| to be examined, when   | 212             | out of the territory                             | 5286             |
| violations of law regulating practice of, penalty              | 213             | commission for taking                            | 5288             |
| fee for examination of practitioner                            | 214             | order for by court or judge                      | 5288             |
| compensation of members of the board.                          | 214             | issued by clerk                                  | 5288             |
| board shall make annual report to governor.                    | 214             | qualifications of commissioner                   | 5287             |
| certificate shall be recorded                                  | 215             | notice to adverse party                          | 5289             |
| penalty for false pretenses or practiceof                      | 216             | what to contain                                  | 5289             |
| <b>DEPOSIT</b> -defined  | 3657            | by publication, when                             | 5290             |
| voluntary  | 3658            | how taken, written and subscribed..              | 5291             |
| involuntary  | 3659            | how certified                                    | 5295             |
| for keeping  | 3661            | how returned                                     | 5292             |
| for exchange   | 3662            | how authenticated                                | 5294             |
| obligations of depositary on (See Depositary.)                 | 3663            | to be filed one day before trial                 | 5297             |
| for keeping  | 3659-3676       | may be read in evidence, when                    | 5296             |
| gratuitous, defined  | 3677            | other actions, when                              | 5293             |
| involuntary is   | 3678            | exceptions to, form of                           | 5298             |
| obligations of depositary on                                   | 3679            | when to be filed                                 | 5299             |
| for reward, called storage                                     | 3681            | to be heard before trial                         | 5300             |
| degree of care required on                                     | 3682            | decisions on, appealable                         | 5301             |
| rate of compensation on  | 3683            | of prisoner, how taken                           | 5272 5273        |
| how terminated   | 3684            | may be taken before territorial commissioner     | 492,             |
| with innkeepers (See Innkeeper.)                               | 3687            |  |                  |
| of thing found (See Finder.)                                   | 3688            |  |                  |

# INDEX.

|  | Section.        |  | Section.         |
|--|-----------------|--|------------------|
| <b>DEPOSITIONS</b> -in civil actions- <i>Continued.</i>    |                 |  |                  |
| making of is complete, when                                | 6357            | <b>DEVISE</b> -what may pass by                            | 3308, 3308,3337  |
| permitting unlawful inspection, a misdemeanor              | 6405, 6406      | who may take by  | 3309             |
| <b>IN CRIMINAL ACTIONS</b>                                 | 7540-7563       | subject to lien, when                                      | 3333             |
| conditional examination                                    | 7540-7550       | takes partial effect only, when                            | 3334             |
| right of defendant to have                                 | 7540            | when revoked by transfer, etc                              | 3335             |
| sick witness or one about to leave the territory           | 7541            | when does not lapse by death of devisee                    | 3338             |
| application must be made on affidavit                      | 7542            | to subscribing witness, when void                          | 3339             |
| affidavit must contain what                                | 7542            | clear, cannot be controlled by words less clear            | 3348             |
| application made on five days' notice                      | 7543            | embraces property under power, when                        | 3356             |
| court to issue order for examination                       | 7544            | of all testator's real property, effect of                 | 3357             |
| order to direct what                                       | 7545            | of residue of estate, effect of                            | 3358             |
| when examination not to proceed..                          | 7546            | to heirs, relations, etc., effect of                       | 3360             |
| attendance of witness compelled by subpoena                | 7547            | to a class, includes whom                                  | 3363             |
| testimony must be authenticated..                          | 7548            | vests, when  | 3367             |
| authentication, how made                                   | 7548            | how divested   | 3368,            |
| deposition must contain what                               | 7548            | conditional, defined                                       | 3371             |
| to be read when witness cannot be present                  | 7549            | vests, when  | 3373             |
| when witness is a prisoner, deposition taken               | 7550            | to several persons, effect of                              | 3376             |
| witnesses out of the territory....                         | 7551-7563       | when not to impair rights of purchaser, etc .              | 3385             |
| defendant may have examination..                           | 7551            | specific, title passes by                                  | 3384             |
| may apply for commission to take..                         | 7552            | (See Bequest-Legacy-Will.) of homestead limited            | 2466             |
| application made upon affidavit. ..                        | 7553            | partial distribution in partition ....                     | 5919-5923        |
| affidavit must state what                                  | 7553            | <b>DEVISEE</b> -liability of,for testator's debts          | 3398             |
| five days' notice given                                    | 7554            | for mortgage debt  | 4367             |
| order issued by the court                                  | 7555            | judge disqualified to act                                  | 5653             |
| trial may be stayed  | 7555            | may petition for probate of will                           | 5660             |
| interrogatories served how and where .....                 | 7556            | joint proceedings against, 'after judgment                 | 5240-5245        |
| ceurt directs manner of return ofcommission                | 7557            | may contest will....                                       | 5668             |
| commission executed, how                                   | 7558            | entitled to notice of-contest                              | 5681             |
| delivered to an agent                                      | 7559            | application to sell lands                                  | 5824             |
| when agent is incapacitated....                            | 7560            | when exempt from liability for payment of debts            | 5846             |
| and return to be filed                                     | 7561            | when subject to liability to contribute                    | 5847,5923        |
| is a public record ...                                     | 7562            | possesses by executor or administrator.                    | 5860             |
| deposition may be read on trial....                        | 7563            | to have notice of legatee's application for share          | 5922             |
| <b>DEPOSITOR</b> -defined                                  | 3658            | may maintain action to recover property of estate, when    | 5772             |
| must indemnify depository, for what...                     | 3669            | <b>DILIGENCE</b> -defined                                  | 4733             |
| entitled to certain notice and information from depository | 3674            | slight, ordinary, and great, defined....                   | 4734             |
| may terminate deposit at any time (See                     |                 | slight, required of gratuitous employe                     | 3755             |
| Deposit -Depository.)                                      | 3663, 3684      | of carrier of property                                     | 3844             |
| <b>DEPUTATION</b> -receiving reward for..                  | 6309            | ordinary, required of employe for reward                   | 3758             |
| unlawful is void   | 6310            | of carrier of persons without reward.                      | 3837             |
| <b>DEPUTIES</b> -may be appointed by what officers         | 1397            | of property for reward                                     | 3844             |
| veterinary surgeon may                                     | 2338            | of trustee   | 3941             |
| additional may be appointed by whom.                       | 1398            | great, required of employe for his own benefit             | 3759             |
| oath of ..   | 1399            | of carrier of messages for reward                          | 3880             |
| certain deputies forbidden                                 | 1400            | utmost, required of carrier by telegraph                   | 3880             |
| may be required to give bond                               | 1397            | (See Care-Ney ligenice.)                                   |                  |
| authority of, to take acknowledgments.                     | 3280            | <b>DIRECTORS</b> -(See Corporations.)                      |                  |
| defacing or destroying records                             | 6348            | <b>DISABILITIES</b> -effect of, to suspend limitations     | 4847, 4860, 4866 |
| <b>DEPUTY SHERIFF</b> -jailer shall be                     | 7800            | when available   | 4865.            |
| acknowledgment by, form of                                 | 5162            | of minor to sue and be sued                                | 4874, 4875       |
| (See Officers- Sheriff.)                                   |                 | of minority and unsound mind, as to limitations            | 5857, 6037       |
| <b>DESCENT</b> -right of possession not                    |                 | of minors (See Minors.)                                    | 2514, 2514,2515  |
| affected by (See Succession.)                              | 4846            | of Indians   | 2525             |
| <b>DESERTION</b> -of child is felony                       | 6536            | of idiots  | 2519,2521        |
| grounds for divorce  | 2559            | of married women   | 2832             |
| <b>DETERMINATION</b> -court to make com                    |                 | <b>DISAFFIRMANCE</b> -of contracts (See Minor-Rescission.) |                  |
| plete, of the rights of all parties before it              | 4085,5095       | <b>DISC HARGE</b> -of trustee, how effected..              | 3955             |
| how pleaded  | 4926, 4926,7252 | who succeeds after   | 3957-3959        |
| of conflicting claims to real property                     | 5449-5464       | of mortgage, how recorded                                  | 4364             |

# INDEX.

|  | Section.         |  | Section.         |
|--|------------------|--|------------------|
| <b>DISCHARGE-Continued.</b>                                  |                  | <b>DISMISSAL-</b> of appeal for failure to execute new bond  | 5230             |
| from arrest in execution of judgment                         | 5543-5555, 4952  | of complaint   | 5035             |
| (See Arrest and Bail.)                                       |                  | for neglect  | 5096             |
| from imprisonment for contempt                               | 5185             | by payment of installment due                                | 5440             |
| of juror, sick   | 5055             | for failure to secure costs                                  | 5209             |
| of executor or administrator                                 | 5948             | for refusal to testify                                       | 5257             |
| of guardian  | 6034             | judgment of when   | 6103             |
| of prisoner  | 6171             | on appeal after notice                                       | 6136             |
| of defendant-failure of proof                                | 7052             | none of appeal in criminal matters                           | 6183             |
| on verdict of acquittal                                      | 7436             | of criminal charge on failure to indict..                    | 7234             |
| on demurrer sustained  | 7297             | of appeal is affirmance of judgment below                    | 5978             |
| improperly arrested  | 7393             | of writ of error   | 7514, 7515       |
| want of jurisdiction   | 7391, 7395       | of criminal actions for want of prosecution, etc             | 7649, 7655       |
| on bail  | 7608             | <b>DISORDERLY HOUSE-</b> keeping, is a misdemeanor           | 6572             |
| held for requisition, unless                                 | 7642             | <b>DISPATCHES-</b> (See Telegraph.)                          |                  |
| no indictment found, unless                                  | 7649             | <b>DISQUALIFICATION-</b> of witnesses ....                   | 5260             |
| for want of prosecution ....                                 | 7652, 7846, 7847 | of judge   | 5653             |
| <b>DISCLOSURES-</b> of judgment debtor as                    |                  | to serve as executor or administrator                        | 5695, 5709       |
| to assets-how obtained                                       | 5174-5185        | of woman, subsequent marriage is ...                         | 5697             |
| of documents to be used in evidence...                       | 5250             | to hold office, punishment for crime...                      | 6202             |
| of party-how compelled                                       | 5252-5259        | of guilty party in divorce, to marry....                     | 2575             |
| compulsory, as to property of estate                         |                  | <b>DISSECTION-</b> when allowed                              | 6552             |
| embezzled or concealed-how obtained                          | 5774-5777        | unlawful, is a misdemeanor                                   | 6553, 6566       |
| required, of parties contracting insurance                   | 4121, 4122       | disposition of remains                                       | 6554             |
| in effecting marine insurance                                | 4195             | <b>DISSOLUTION-</b> of corporations                          | 2938             |
| of party reinsuring  | 4184             | of marriage (See Divorce.)                                   | 2558             |
| by grand juror, punishable                                   | 7223             | of partnership, general                                      | 4055-4059        |
| when juror may disclose                                      | 7224             | special  | 4096             |
| <b>DISCOVERY-</b> action for, abolished                      | 5252             | <b>DISTRIBUTION-</b> of intestate's proper                   |                  |
| in aid of execution, how obtained..                          | 5174-5185        | ty, how made (See Succession.)                               | 3401             |
| examination of party, instead of action for                  | 5252-5259        | of proceeds in partition (See Partition.)                    | 5383             |
| of new will-ground for contesting                            | 5680             | of sale by sheriff   | 5146, 5146, 5149 |
| <b>DISEASES, CONTAGIOUS</b>                                  | 2320-2339        | of insolvent corporation                                     | 5359             |
| quarantine against, ordered by veterinary surgeon            | 2322             | of estates of deceased persons                               | 5919-5940        |
| slaughter of animals ordered, when....                       | 2323             | -election, oath,   |                  |
| value of, appraised, how                                     | 2324, 2324, 2331 | <b>DISTRICT ATTORNEY</b> and general duties                  | 427-430          |
| claims, how paid..   | 2329             | bond of  | 1374             |
| duty of county commissioners pertaining to suspicious cases  | 2325             | salary and fees  | 431, 432         |
| governor's proclamation against importation of live stock    | 2326             | certain fees prohibited                                      | 433              |
| duty of person having knowledge of infectious cases          | 2327             | removal of   | 7094             |
| .general regulation in case of outbreak.                     | 2328             | substitute for, appointed                                    | 7408             |
| carcasses, how disposed of                                   | 2330             | court to appoint acting, when                                | 434              |
| indemnity limited  | 2331             | is ex-officio president of county board of health            | 198              |
| not allowed, when  | 2332             | appeal from county commissioners, shall take, when           | 610              |
| fund, how provided   | 2335             | power of, in   | 614              |
| salaries and fees  | 2333             | to sign notice of election contest, when                     | 1491             |
| liability of territory limited                               | 2334             | duty of, in proceedings for removal of officers              | 7083             |
| prosecution for violation of act                             | 2339             | to account for receipt of fines, etc ....                    | 435, 435, 436    |
| (See Glanders-Sheep Diseases- Veterinary Surgeon.)           |                  | penalty for neglect  | 437              |
| <b>DISFIGUREMENT-</b> defined (See Maiming.)                 | 6469             | shall attend grand jury                                      | 438              |
| <b>DISFRANCHISEMENT-</b> what acts operate as                | 6288             | may be present in grand jury room, when                      | 7222             |
| <b>DISHONOR-</b> of negotiable instrument, defined           | 4498             | may issue subpoena for witnesses to appear before grand jury | 7528             |
| of bill of exchange by refusal to accept                     | 4525             | for trial of criminal actions                                | 7529             |
| does not take place till presented to drawee in case of need | 4528             | must not disclose indictments                                | 6418             |
| by refusal of unqualified acceptance                         | 4531             | may inspect depositions                                      | 7171             |
| when presumed  | 4493             | may demand recognizance of witnesses, when                   | 7185             |
| acceptance for honor may be made after                       | 4517             | may order bench warrant, when                                | 7460             |
| notice of (See Notice.)                                      |                  | moves execution of death penalty                             | 7492             |
| rights of indorsee of check with notice of                   | 4568             | prosecutes violations of grain warehouse law                 | 173              |
| (See Acceptance-Bill of Exchange-Negotiable                  |                  | of pharmacy law  | 231              |
| Instrument-Presentment.)                                     |                  | railroad company for violation of                            |                  |
|  |                  | order of artesian well commission..                          | 2110             |
|  |                  | of liquor law  | 2220             |

# INDEX.

|  | Section.        |   | Section          |
|--|-----------------|---|------------------|
| <b>DISTRICT ATTORNEY</b> - prosecutes - <i>Continued.</i>              |                 | <b>DISTRICT COURT</b> -criminal actions <i>Continued.</i>                   |                  |
| offenders of local option law  | 2231            | may hear further evidence to assist exercise of discretion as to punishment | 7469             |
| bridge corporations  | 3135            | may order defendant to be delivered into actual custody, when               | 7274             |
| corporations for forfeiture, when ....                                 | 5346            | change of venue.  | 7312-7318        |
| by leave of court  | 5347            | enjoins foreclosure by advertisement, when                                  | 5411             |
| for usurpation of office   | 5348, 5348,5350 | takes judicial notice of existence of cities                                | 847              |
| in name of territory   | 5348            | town plats-vacation of, powers in.  | 1106-1108        |
| in case of bastardy  | 5564            | town and city limits-powers in extending or restricting                     | 1118             |
| insurance companies, when  | 3067            | directs levy of taxes in school township, when                              | 1915             |
| unauthorized agents of   | 3071            | attorneys, license to   | 462-464          |
| forfeited undertaking, when  | 7062            | may revoke  | 472              |
| duty of, as to costs, against corporations, forfeited                  | 5358            | artesian wells-proceedings in establishing                                  | 2099-2106        |
| to have judgment recorded, when  | 5360            | may modify action of well commissioner                                      | 2129-2131        |
| may bring action to forfeit property, when                             | 5361            | reform school-has power to send youth to proceedings                        | 7777             |
| examines charters of insurance companies                               | 3048            | when parent or guardian makes complaint                                     | 7777-7782        |
| duties of, with reference to obscene publications                      | 6569, 6570      | receiver- funds in hands of-to be invested by, when                         | 7783             |
| must recover property forfeited by lottery transaction                 | 6585            | may authorize husband or wife to sell or encumber property, when            | 5020             |
| destroys gambling apparatus, when....                                  | 6598            | may annul marriage, when  | 2597             |
| false weights and measures   | 6835            | may dissolve marriage, when   | 2553             |
| informs against gamblers   | 6600            | may grant alimony, etc., when   | 2558             |
| may move for additional security by witness in criminal cases, when    | 7185            | may award custody of child, when and how                                    | 2582             |
| may apply for change of venue  | 7318            | may restrain change of residence of child, when                             | 2556, 2583, 2621 |
| reads indictment and states plea                                       | 7370            | may authorize assignment of indenture of apprenticeship                     | 2619             |
| must attend inquisition to try insanity of prisoner sentenced to death | 7485            | may make allowance to parent for support of child                           | 2674             |
| duties of, pertaining to depositions in criminal actions               | 7546, 7556      | restrain removal of child   | 2607             |
| fugitives from justice   | 7641            | when execution of power devolves upon                                       | 2621             |
| dismissal of prosecutions  | 7653, 7654      | may direct transfer of escheated property, when                             | 2871             |
| bring action in case of escheated estates                              | 3418            | may authorize certain acts by trustee..                                     | 3418             |
| partner of, advising defense, punished. (See Officers.)                | 6921            | may control discretion of trustee, when                                     | 3923, 3945       |
| <b>DISTRICT COURT</b> -jurisdiction of chancery and common law         | 4824            | may discharge trustee   | 3948             |
| original and general   | 4825            | may remove trustee, when  | 3955             |
| when deemed acquired   | 4904            | may appoint trustee, when   | 3956             |
| appellate  | 4826            | must execute trust, when  | 3957             |
| criminal   | 4827            | may allow pledgee to purchase   | 3959             |
| general  | 7039            | may reduce bottomry interest, when...                                       | 4417             |
| to inquire into public offenses  | 7041            | to issue summary process against corporations, when                         | 4423             |
| to inquire into cause of detention of persons                          | 7041            | <b>DISTURBANCE</b> -of religious meeting, defined                           | 2970             |
| final decisions reviewable, how  | 7042            | is a misdemeanor  | 6254             |
| (See Jurisdiction.)  |                 | of meeting of electors  | 6253             |
| always open for certain purposes                                       | 4828            | of the legislature  | 6274             |
| powers of on appeal-in civil action from justice court                 | 6136            | of proceedings of court or referee  | 6315             |
| in criminal action from justice court.                                 | 6136            | of funerals   | 6402             |
| writs of certiorari, may issue   | 4826, 4826,5507 | of other lawful meetings  | 6564             |
| of mandamus  | 4826, 5517      | <b>DITCHES</b> -bonds for may be issued by township (See Drainage.)         | 6676             |
| of prohibition   | 4826, 5531      | irrigating, injury to   | 833              |
| of habeas corpus   | 7857            | <b>DITCH CORPORATIONS</b> -may be formed (See Corporations.)                | 6880,6881        |
| of error in criminal action  | 7499-7519       | <b>DIVIDEND</b> -upon stock, to whom payable (See Corporations.)            | 3116             |
| jury-ordered bow (See Jury.)   | 444             | <b>DIVORCE</b> -on ground of nullity  | 2918             |
| grand, may order new, when   | 7202            | where party was under age   | 2553             |
| trial, formation of, powers in   | 7322-7335       |   |                  |
| duties of, on challenge in criminal cases                              | 7337-7369       |   |                  |
| powers and duties in criminal trials                                   | 7370-7408       |   |                  |
| appoints bailiffs at each term   | 1438            |   |                  |
| criminal action in-how prosecuted (See Actions.)                       | 7188            |   |                  |
| may dismiss on its own motion, 'when.                                  | 7553            |   |                  |

# INDEX.

|  | Section.   |   | Section.         |
|--|------------|---|------------------|
| <b>DRAINAGE-viewers-Continued.</b>                         |            | <b>DIVORCE-for nullity-Continued.</b>                     |                  |
| report of  | 2054       | where former husband, etc., was living                    | 2553             |
| majority may act   | 2077       | where party was of unsound mind...                        | 2553             |
| lands benefited by drain to pay costs..                    | 2050       | where consent was obtained by fraud or force              | 2553             |
| damages, how estimated                                     | 2052       | for physical incapacity                                   | 2553             |
| route of ditch   | 2053       | when application for, must be made..                      | 2554             |
| duty of clerk when viewers' report is filed                | 2055       | rights of children after                                  | 2555             |
| drain to be ordered, when                                  | 2056       | disposition of children after                             | 2556             |
| reviewers- appointment of on remonstrance                  | 2057       | judgment of, how far conclusive                           | 2557             |
| duty of  | 2058       | on ground of adultery                                     | 2559             |
| proceedings on report of                                   | 2059       | when to be granted  | 2559             |
| adoption of report   | 2061       | when to be denied   | 2566             |
| proceedings after  | 2062       | limitation or lapse of time.                              | 2566, 2576, 2577 |
| costs of remonstrance, how paid                            | 2060       | insufficient term of residence                            | 2578             |
| appeals from final order of board                          | 2063       | presumption of domicile does not                          |                  |
| consolidation of, when                                     | 2064       | apply ...   | 2579             |
| contract for ditch, how let                                | 2065       | effect of, upon children                                  | 2574             |
| re-letting when  | 2066       | who may marry after                                       | 2575             |
| inspection of work   | 2067       | on other grounds  | 2559             |
| apportionment of cost of ditch                             | 2068       | to what extent allowed                                    | 2559-2564        |
| overseer of highways to keep ditch clear                   | 2069       | for cruelty   | 2559             |
| when ditch crosses two or more townships or counties       | 2070       | for desertion 2559 when denied, certain relief allowed... | 2581             |
| highway or railway benefited to pay proportion of costs    | 2074       | affirmative proof required                                | 2580             |
| penalty for obstructing drain                              | 2075       | in action for, summons by publication, when ...           | 4900             |
| sheriff or constable to serve orders of                    |            | judgment of, absolute ..                                  | 4900             |
| clerks, viewers and reviewers                              | 2076       | <b>DOCKETS</b> judgment docket to be kept by each clerk   | 5104             |
| compensation of parties engaged in establishing drain      | 2076       | form of   | 5105             |
| assessment for ditch to be lien on land                    | 2078       | of justices of the peace (See Justice's Court.)           |                  |
| joint ditch-proceedings in case of                         | 2071-2073  | <b>DOCUMENTS</b> -what are                                | 5302-5310        |
| bonds for  | 2080-2089  | destroying, mutilating, defacing, etc...                  | 6348             |
| may be issued when   | 2080       | may be retained as evidence, when                         | 6362             |
| election for voting  | 2080, 2081 | false offering for record                                 | 6350             |
| description of   | 2082       | fraudulent, as titles to merchandise                      | 6866-6872        |
| tax for  | 2083       | delivery of, in case of quo warranto                      | 5352, 5353       |
| proceeds of, how disposed of..                             | 2084, 2086 | transfer of, on changing place of trial..                 | 4891             |
| record of  | 2085       | exhibit and request of admission of genuineness of        | 5250             |
| must not be in excess of limit of indebtedness             | 2088       | inspection and copy of, ordered how....                   | 5251             |
| <b>DRAWEE</b> -of bill of exchange (See Bill of Exchange.) |            | transfer of on appeal                                     | 5217             |
| <b>DRAWER</b> -of bill of exchange (See Bill of Exchange.) |            | to be furnished to court by party moving trial..          | 5036             |
| <b>DRIVERS</b> -drunken, liability of employers .          | 1351,1353  | loss of, supplied killed copy                             | 5339             |
| must hitch team, when                                      | 1352       | <b>DOG</b> -may be killed for killing or worrying sheep.. | 2290             |
| <b>DRUGGIST</b> - negligence of-how punished               | 6647       | owner of liable for damages                               | 2291             |
| record and witness to sale of poison....                   | 6648       | <b>DOMESTIC ANIMALS</b>                                   |                  |
| sale must be public  | 6650       | marks and brands  | 2261-2276        |
| violation is a misdemeanor                                 | 6649       | herding and driving                                       | 2277-2284        |
| (See Pharmacy.)  |            | trespass of   | 2281,5569-5576   |
| <b>DRUNKARD</b> -habitual, selling liquor to               | 2206,6917  | sheep husbandry   | 2285-2290        |
| <b>DRUNKENNESS</b> - officer may be removed for            | 7095       | estrays   | 2292-2310        |
| <b>DUELS AND CHALLENGES</b>                                | 6494-6504  | importation of Texas cattle                               | 2311-2319        |
| duel-defined   | 6494       | contagious diseases                                       | 2320-2339        |
| punishment for fighting                                    | 6495       | glanders  | 2340-2344        |
| person convicted of incapable of holding office            | 6496       | sheep diseases  | 2345-2350        |
| seconds and surgeons, how punished.                        | 6491       | sheep inspectors  | 2351-2304        |
| posting a person for not fighting...:-.                    | 6501       | destroying, how punished                                  | 6930             |
| out of the territory is murder                             | 6449       | <b>DOMICILE</b> -of wife pending action for divorce       | 2579             |
| leaving the territory to evade the laws                    | 6501       | of testator governs validity of will                      | 3317-3319        |
| jurisdiction-in case of outside off                        |            | of child, parent has right to change...                   | 2619             |
| but person dying within territory                          | 6709       | <b>DOWER</b> -abolished                                   | 3402, 3402,2594  |
|  |            | <b>DRAINAGE</b> -general provisions                       | 2047-2089        |
|  |            | county or township officers may cause                     |                  |
|  |            | construction of drain                                     | 2047             |
|  |            | viewers-appointment of                                    | 2048             |
|  |            | duty of in case of private ditch                          | 2049             |
|  |            | discretionary powers                                      | 2051             |

# INDEX.

|  | Section.         |   | Section.   |
|--|------------------|---|------------|
| <b>DUELS AND CHALLENGES</b> -duel <i>Continued.</i>          |                  | <b>EDUCATION-</b> <i>Continued.</i>                           |            |
| where tried  | 6503             | <b>NORMAL DEPARTMENTS</b> in private institutions             | 1840-1845  |
| privilege of witnesses                                       | 6504             | territorial board may designate                               | 1841       |
| challenge-defined  | 6499             | requirements for admission                                    | 1842       |
| punishment for   | 6498             | instruction free  | 1843       |
| attempting to induce   | 6500             | expenses of, how paid   | 1840,1844  |
| <b>DUPLICATE</b> -revocation of either copy                  |                  | examination of students                                       | 1845       |
| of will in, revokes the other                                | 3327             | <b>SCHOOL TownSHIPS</b> -boundaries                           | 1728       |
| alteration, etc., of one copy of contract                    |                  | fixed by county commissioners                                 | 1729       |
| in, does not affect the other                                | 3596             | subdivision ..  | 1699       |
| <b>DURESS</b> -defined                                       | 3504             | numbering of sub-districts                                    | 1743       |
| will procured by, may be denied probate ..                   | 3307             | name of, how chosen   | 1730,1731  |
| contract procured by, voidable                               | 3500-3504, 3589  | is a body corporate   | 1717       |
| as an excuse for crime                                       | 6219, 6220, 6222 | suits against, process served upon whom .                     | 1916       |
| of testator invalidates will                                 | 5671             | judgment against, how paid                                    | 1787       |
| ground for contesting will                                   | 5680             | settlement between old district and new township              | 1801-1803  |
| <b>EARNINGS</b> -of wife not liable for husband's debts .    | 2594             | officers not to be interested in contracts                    | 1781       |
| of child, who is entitled to                                 | 2605, 2605,2606  | who entitled to benefit of school                             | 1760       |
| may be relinquished to him                                   | 2617             | children admitted from other township, when                   | 1761       |
| may be paid to him, when                                     | 2618             | tuition, building and miscellaneous funds to be kept separate | 1747       |
| <b>EASEMENT</b> -defined                                     | 2760             | warrants, how issued and paid ....                            | 1749,1750  |
| by whom grantable  | 2763             | sub-districts -special meetings of electors and their powers  | 1716       |
| by whom held   | 2764             | election-for adoption of system                               | 1801       |
| extent of, how determined                                    | 2765             | annual  | 1697, 1698 |
| partition of burden of                                       | 2766             | manner of conducting  | 1708       |
| who may use  | 2767             | qualification of voters                                       | 1714       |
| who may enforce  | 2768             | eligibility to office   | 1715       |
| does not prevent owner of land from suing for possession     | 2769             | penalty for making false returns.                             | 1713       |
| how extinguished   | 2770             | first ordered by county commissioners                         | 1733       |
| passes with property to which it is incident                 | 3248             | directors act as judges                                       | 1732       |
| (See Servitude.)   |                  | vacancies, how filled   | 1735       |
| <b>EAVESDROPPING</b> -punishment for....                     | 6674             | directors-election and powers ..                              | 1698-1702  |
| <b>EDUCATION-TERRITORIAL SUPERINTEND</b>                     |                  | general powers of board                                       | 1740       |
| <b>ENT AND BOARD OF EDUCATION</b>                            | 1688-1696        | penalty for failure to perform duties                         | 1738       |
| appointment  | 1688             | grade teachers' salaries                                      | 1743       |
| powers and duties of superintendent                          | 1691-1696        | majority to govern  | 1804       |
| of board   | 1689             | issuing township bonds  | 1902-1916  |
| compensation of superintendent                               | 1691             | township library  | 1797-1800  |
| of board   | 1689             | may permit use of school house....                            | 1768       |
| biennial report  | 1783             | employment of teachers  | 1770, 1771 |
| duties pertaining to county institute.                       | 1793-1795        | compelling attendance of pupils....                           | 1790,1791  |
| school township libraries                                    | 1797-1798        | may take property for school purposes                         | 1776       |
| normal departments in private institutions                   | 1840-1845        | levy school tax not exceeding thirty mills                    | 1744       |
| <b>COUNTY SUPERINTENDENT</b> in counties with                |                  | provide books, etc., for officers....                         | 1746       |
| school township system-election of                           | 1707             | meetings held quarterly                                       | 1746       |
| qualification  | 1711             | quorum  | 1700       |
| removal  | 1712             | compensation ..   | 1746       |
| compensation   | 1718             | annual settlement with treasurer...                           | 1748       |
| powers and duties, in general....                            | 1719-1726        | to visit school in sub-district                               | 1762       |
| public examinations by                                       | 1722, 1723       | exclude refractory pupils                                     | 1762       |
| revocation of certificates                                   | 1725, 1726       | provide extra school  | 1767       |
| duties pertaining to apportionment of tuition fund           | 1753, 1753,1754  | clerk-election and duties                                     | 1702       |
| county institutes  | 1793-1795        | compensation  | 1703       |
| township institutes  | 1769             | draws and signs warrants                                      | 1749       |
| annual report to territorial superintendent                  | 1777             | school census   | 1760       |
| procures report of school township clerk and treasurer, when | 1780             | annual report to county superinendent                         | 1778       |
| appointments by to fill vacancies                            | 1796             | penalty for false statements                                  | 1785       |
| (See Officers - County Superintendent of Schools.)           |                  | for refusal to deliver books, etc., to successor              | 1786       |
| <b>TEACHERS' INSTITUTES</b> -fund for,how created            | 1724,1793, 1794  | records open to inspection                                    | 1782       |
| county   | 1793-1795        | duties pertaining to annual elections                         | 1708-1710  |
| township   | 1769             |   |            |



# INDEX.

|   | Section.   |  | Section.             |
|---|------------|--|----------------------|
| <b>EDUCATION-school townships-clerk -Continued.</b> |            | <b>EDUCATION-school district bondContinued.</b>      |                      |
| transmits certificates                              | 1734       | application of act to districts having already built | 1900                 |
| treasurer-election                                  | 1701       | penalty for violation of act                         | 1901                 |
| compensation  | 1703       | CITY BOARDS OF EDUCATION                             | 1849-1377,1889-1891  |
| bond filed with county clerk                        | 1737       | who may establish                                    | 1849                 |
| new required, when                                  | 1736       | disposition of fractional districts....              | 1851                 |
| penalty for failure to perform duty.                | 1738,1739  | certain cities exempt from act                       | 1877                 |
| for loaning school funds                            | 1759       | funds, how kept and paid                             | 1864, 1865           |
| for making false report or statement                | 1785       | members, election of                                 | 1850                 |
| for refusal to deliver books to successor           | 1786       | oath   | 1852                 |
| method of accounts                                  | 1745,1779  | vacancies, how filled                                | 1853                 |
| annual report                                       | 1748, 1779 | removal..  | 1854                 |
| records open to inspection                          | 1782       | board is a body corporate                            | 1855                 |
| drawing of warrants                                 | 1749, 1750 | meetings and quorum                                  | 1855, 1855,1857      |
| qualification must be filed withcounty clerk before | 1758       | compensation   | 1856                 |
| tuition fund, apportioned how                       | 1742       | powers as to taxation                                | 1859-1861            |
| library-established when                            | 1797       | may issue bonds when taxation is insufficient        | 1862                 |
| books for, how selected                             | 1798       | as to purchase of property                           | 1870, 1870,1871      |
| may be exchanged                                    | 1800       | general  | 1866                 |
| care and rules                                      | 1799       | shall visit schools twice each year....              | 1867                 |
| taxes-levied by board                               | 1744, 1745 | may admit non-resident pupils                        | 1868                 |
| school poll and county by county clerk              | 1751       | annual report  | 1872                 |
| county tuition fund                                 | 1752       | assumes control of schools, when                     | 1877                 |
| treasurer collector                                 | 1755       | secretary-appointment and duties...                  | 1858                 |
| commissioners may correct list ..                   | 1756       | prepares annual report to territorial superintendent | 1876                 |
| statement of assessed valuation required            | 1792       | reports census to county superintendent              | 1876                 |
| bonds..   | 1902-1916  | taxes-for what purposes levied                       | 1859                 |
| restrictions  | 1902,1913  | collection   | 1860                 |
| expenditure of proceeds                             | 1903       | expenditure  | 1861                 |
| may be made to redeem old bonds and warrants        | 1912       | for payment of bonds                                 | 1862                 |
| tax for payment                                     | 1906       | warrants-registration and payment                    | 1889-1891            |
| levy by county clerk, when                          | 1911       | SCHOOLS IN CITIES, TOWNS AND VILLAGES --             |                      |
| redemption  | 1909       | under school township law ...                        | 1808-1839            |
| registration and indorsement                        | 1910       | what cities, towns and villages governed by          |                      |
| may be issued under authority to former district    | 1914       | school township law                                  | 1808                 |
| are a lien upon taxable property of township        | 1915       | election for adoption of act                         | 1808                 |
| high schools - may be established,how               | 1763,1764  | to be kept open not less than six months             | 1809                 |
| superintendent, employment of...                    | 1765       | adjacent territory may be attached..                 | 1810                 |
| two or more townships may unite in establishing     | 1766       | qualification of teachers                            | 1823                 |
| branches to be taught in public schools             | 1770       | teaching of sectarian doctrine prohibited            | 1829                 |
| teachers-qualifications and employment of           | 1770,1771  | board of education is a body corporate               | 1811                 |
| to report to county superintendent                  | 1772, 1773 | conveyance of property by                            | 1812, 1812,1813      |
| visits of county superintendent..                   | 1846       | election of  | 1814, 1815, 1839     |
| bible may be read without sectarian comment         | 1706       | powers   | 1816                 |
| penalty for disturbing school                       | 1775       | tax to be levied by                                  | 1824                 |
| county general tuition fund-all corporations        |            | organization and officers                            | 1817-1822            |
| entitled to proportionate                           |            | qualification of officers                            | 1838                 |
| <b>SCHOOL share</b>                                 | 1757       | monthly meetings                                     | 1826                 |
| <b>SCHOOL DISTRICT-bonds of</b>                     | 1892-1901  | annual report  | 1827                 |
| when may be issued                                  | 1892       | limitation upon expenditures and contracts           | 1828                 |
| election for issuing                                | 1893       | president  | 1818                 |
| denomination,interest,limit,form, etc               | 1894,1895  | vice-president                                       | 1819                 |
| sale  | 1897       | clerk  | 1820,1821, 1837,1838 |
| principal and interest, payment of                  | 1896,1898  | treasurer  | 1822,1838,1839       |
| building school house from proceeds                 | 1899       | superintendent of schools and examining committee    | 1823                 |
|   |            | bonds-how authorized and executed                    | 1830-1832            |
|   |            | election   | 1831                 |
|   |            | levy of interest and sinking fund...                 | 1833                 |
|   |            | investment of sinking fund                           | 1834, 1834,1835      |
|   |            | registrations by clerk                               | 1837                 |
|   |            | REFUNDING-school indebtedness ..                     | 1879-1888            |
|   |            | what may be refunded                                 | 1879                 |
|   |            | bond-how issued                                      | 1880                 |

# INDEX.

|  | Section.   |  | Section.        |
|--|------------|--|-----------------|
| <b>EDUCATION</b> - refunding -bond- <i>Continued.</i>  |            | <b>ELECTIONS</b> -clerks- <i>Continued.</i>                    |                 |
| must be authorized by election....                     | 1881       | compensation   | 1470            |
| how conducted  | 1887       | poll list-how kept (See Poll List.)....                        | 1458            |
| how negotiated   | 1882       | compared on adjournment for dinner                             | 1459            |
| registration and cancellation...                       | 1883,1884  | duty when voter is not registered....                          | 1532            |
| levy of tax  | 1885,1886  | poll book-entry of names voted for..                           | 1467            |
| act applies to all incorporated boards of education    | 1888       | certificate, form of   | 1467            |
| <b>EDUCATIONAL CORPORATIONS</b>                        |            | to convey returns, etc., to county clerk-penalty               | 1468, 1468,1470 |
| may be formed (See Corporations.)                      | 3136       | (See Poll Books.)  |                 |
| <b>EJECTION</b> -action for                            | 5449-5464  | <b>SUPERVISOR</b> -in organization of counties (See Counties.) |                 |
| <b>ELECTIONS</b> -in general                           |            | <b>CANVASS OF RETURNS</b>                                      | 1471,1504       |
| are governed by same laws, except                      | 1440       | abstract by county clerk                                       | 1471            |
| general-defined  | 1441       | candidates shall not assist in                                 | 1471            |
| time of holding  | 1441       | certificate by county clerk                                    | 1471            |
| annual-defined   | 1441       | where two or more counties are attached                        | 1473            |
| notice-how given                                       | 1444,1445  | certificate, by whom issued                                    | 1471            |
| precinct-county commissioners fix,when                 |            | by territorial board, for delegate to congress                 | 1474            |
| must be entirely in commissioner district..            | 1442       | governor issues certificate                                    | 1474            |
| polls-to be opened and closed, when...                 | 1449       | secretary to send messenger, when                              | 1475            |
| allots-must be on white paper                          | 1451       | tie vote-proceedings on  | 1471, 1471,1472 |
| all names voted for must be on single                  | 1452       | duty of county clerk   | 1472            |
| <b>JUDGES</b> -appointed by county commissioners, when | 1442       | special election   | 1471            |
| by county clerk, when                                  | 1442       | <b>CONTESTS</b>  | 1489-1523       |
| township supervisors are                               | 1442       | in general ...1489-1501 notice, service of                     | 1489            |
| term of  | 1443       | answer..   | 1490            |
| vacancies filled by county commissioners, when         | 1443       | who may bring  | 1491            |
| absent or refusing to act, electors choose             | 1446       | trial  | 1492            |
| oath-form of ..  | 1447       | testimony and procedure  | 1493            |
| compensation, how paid                                 | 1470       | county seat  | 1494            |
| to choose clerks ....                                  | 1443       | trial by referee   | 1495            |
| ballot-box-have custody of                             | 1455       | security for costs must be given by contestant                 | 1496            |
| examine before opening polls                           | 1456       | appeals to supreme court                                       | 1497, 1498      |
| key kept by one selected                               | 1456       | general procedure  | 1495-1501       |
| ballots-deposit of                                     | 1457       | legislative  | 1502,1523       |
| must be on white paper-penalty                         | 1451       | notice and answer  | 1502, 1503      |
| custody and protection of on adjournment for dinner    | 1460, 1461 | testimony-taken, when  | 1505            |
| enallenge of voters                                    | 1462       | depositions  | 1506            |
| rejection of legal vote-penalty....                    | 1450       | without notice, by consent..                                   | 1510            |
| canvass-commenced immediately after polls are closed   | 1464       | at not more than two places at same time                       | 1507            |
| finish before adjournment                              | 1449       | subpoenas, how issued ....                                     | 1508, 1508,1505 |
| public and continuous                                  | 1464       | witness required to attend only in county of residence         | 1512            |
| manner of conducting                                   | 1465       | penalty for non-attendance                                     | 1513            |
| count ballots and compare with poll list               | 1465       | examination of   | 1515            |
| adjustment of difference                               | 1466       | must be confined to issue                                      | 1516            |
| destroy double ballots                                 | 1465       | reduced to writing   | 1517            |
| count and record in duplicate poll books               | 1467       | production of papers   | 1518            |
| poll book-one forwarded to county clerk                | 1468       | adjournment  | 1519            |
| other, with ballots and ballot-box,                    |            | documents to be attached                                       | 1520            |
| with chairman of county board                          | 1468       | sent to secretary of territory                                 | 1521            |
| penalty for failure                                    | 1469       | legislature shall not pay expenses                             | 1523            |
| power-to appoint special constables.                   | 1463       | <b>REGISTRATION</b> -for                                       | 1525-1540       |
| to order arrests                                       | 6281       | board of-judges of election constitute                         | 1525            |
| to impose fines for disorderly conduct                 | 1463       | second meeting   | 1528            |
| to commit offenders to jail                            | 1463       | proceedings to be open   | 1529            |
| vote of person on registry list, received how          | 1531       | compensation   | 1535            |
| not on list, how                                       | 1532       | power to preserve order  | 1536            |
| in organization of new counties                        | 515        | vacancies, how filled  | 1536            |
| <b>CLERKS</b> -appointment of                          | 1443       | list-what to contain   | 1526            |
| oath   | 1447       | in new precinct  | 1527            |
|  |            | revision of  | 1530            |
|  |            | to be filed with county clerk                                  | 1533            |
|  |            | open to public inspection                                      | 1534            |
|  |            | law-penalty for violation                                      | 1537            |
|  |            | applicable only to certain cities andtowns                     | 1538            |
|  |            | may be adopted by county, how....                              | 1539            |

# INDEX.

|  | Section.        |  | Section.       |
|--|-----------------|--|----------------|
| <b>ELECTIONS</b> - registration - law- <i>Continued.</i> |                 | <b>EMPLOYEE</b> - <i>Continued.</i>  |                |
| applicable in elections for admission to statehood       | 1540            | cannot be bound for more than two years                                      | 3760           |
| creates against elective franchise..                     | 6255-6295       | must obey employer   | 3761           |
| bribery of voter   | 6255, 6255,6288 | must serve according to usage  | 3762           |
| of election officer                                      | 6287            | must use reasonable skill  | 3763           |
| illegal influence of voter                               | 6256, 6288      | whatever skill he has  | 3764           |
| betting upon election                                    | 6257            | all acquired by, by virtue of employment, belongs to employer                | 3765           |
| offers of office   | 6258            | must give accounts   | 3766           |
| communicating same                                       | 6259            | not bound to deliver without demand  | 3767           |
| furnishing money for elections                           | 6260            | must give preference to employer's business                                  | 3768           |
| defrauding or obstructing elector                        | 6261,6262       | to several employers in order  | 3768           |
| voting more than once                                    | 6263            | how far liable for substitute  | 3769           |
| unqualified voting, or procuring same                    | 6264-6266       | surviving, when to act   | 3771           |
| voting out of-precinct                                   | 6267            | discharge by notice of death, etc., of employer                              | 3773           |
| unlawfully at town meeting                               | 6268            | when to continue service after employer's death, etc                         | 3774           |
| felon offering to vote                                   | 6269            | may quit service,when and how...   | 3775, 3777     |
| registration-causing improper                            | 6270            | maybe discharged for fault   | 3776           |
| personating registered voter                             | 6271            | compensation of, when dismissed for cause                                    | 3778           |
| making false statement in                                | 6272, 6273      | quitting for cause   | 3779           |
| disturbing or preventing public meeting of electors      | 6274-6276       | (See Employment -Employer-Agent-Factor-Mate-SeamanShipmaster-Ship'sManager.) |                |
| intimidating voter                                       | 6277            | intimidating by force and threats to prevent, etc                            | 6925           |
| procuring votes by threats or violence                   | 6278            | making false entries in  | 3751           |
| disobedience to judges                                   | 6279            | must indemnify employe for necessary expenses, etc                           | 3752           |
| impeding election by violence                            | 6280            | for loss caused by his negligence..  | 3754           |
| summary arrest   | 6281            | when not bound to indemnify employe  | 3753           |
| no defense to prosecution                                | 6282            | cannot enforce contract of service beyond two years                          | 3760           |
| destroying ballot boxes                                  | 6383            | directions of, must be obeyed  | 3761           |
| making false poll lists                                  | 6284            | entitled to all acquired by employe in course of service                     | 3765           |
| misconduct by judges                                     | 6285            | accounts   | 3766           |
| falsely canvassing or certifying returns                 | 6286            | employment terminated by death or incapacity of, when                        | 3773           |
| selling liquor on election day                           | 6295            | may be terminated by, when   | 3776           |
| at polls   | 6409            | intimidation of  | 6925           |
| witness has no privilege                                 | 6289            | (See EmploymentEmploye-Master-Principal.)                                    |                |
| irregularities in election no defense to prosecution     | 6291            | <b>EMPLOYMENT</b> -defined   | 3751           |
| legal interference is justifiable                        | 6292            | obligations of employer under (See Employer.)                                | 3752           |
| definition of elections                                  | 6290            | obligations of employe under (See Employe.)                                  | 3755-3772      |
| includes voting on questions                             | 6293            | termination of   | 3773-3779      |
| accused may show good faith                              | 6294            | when service must be continued after.  | 3774           |
| <b>EMBEZZLED PROPERTY</b> -disposal of                   |                 | may be terminated by either party,when                                       | 3775           |
| (See Stolen Prop erty.)                                  | 7589-7594       | by employer, when  | 3776           |
| <b>EMBEZZLEMENT</b>                                      | 6796-6807       | by employe, when   | 3777           |
| defined  | 6796            | right of employe to compensation after termination of                        | 3778, 778,3779 |
| guilty of, when, officer                                 | 6797            | contract for personal, not specificallyenforced                              | 4632           |
| coroner  | 6798            | (See Agents- Factors-Master-Servant-Sea                                      |                |
| trustee, etc   | 6799            | man-Shipmaster-Ship's Manager.)  |                |
| bailee   | 6800            | <b>ENEMY</b> -public, performance excusedwhen prevented by                   | 4633           |
| clerk or servan  | 6801            | innkeeper not liable for act of carrier notliable for act of                 |                |
| distinct taking not necessary                            | 6802            | cannot be insured  | 4103           |
| evidence of debt, subject of                             | 6803            | <b>ENTICEMENT</b> -of wife, child or servant forbidden                       | 2531           |
| property taken openly under claim of title...            | 6804            | <b>ENTRY</b> -on real estate when deemedvalid as a claim                     | 4839           |
| intent .to restore, no defense                           | 6805            |  |                |
| mitigation of punishment                                 | 6806            |  |                |
| for his own benefit, obligations of                      | 3759            |  |                |
| <b>EMPLOYEE</b> -defined                                 | 3751            |  |                |
| entitled to indemnification, when. .                     | 3752-3754       |  |                |
| when not..   | 3753            |  |                |
| gratuitous, obligations of                               | 3755, 3755,3754 |  |                |
| with power of attorney, must act                         | 3757            |  |                |
| for reward, obligations of                               | 3758            |  |                |
| by executor or administrator                             | 5785            |  |                |

# INDEX.

|   | Section.         |   | Section.         |
|---|------------------|---|------------------|
| <b>ENTRY- Continued.</b>                                  |                  | <b>ESTRAYS-Continued.</b>                                   |                  |
| of causes on calendar                                     | 5034             | fees on, first lien on                                      | 2305             |
| on appeal .....   | 4821             | unlawful taking of  | 2306             |
| of verdict, what  | 5064             | may be worked   | 2307             |
| of orders and judgments, court always open for            | 4828             | death or escape of, person taking not liable                | 2308             |
| official, evidence of what                                | 5309             | sale of, shall be made at county seat...                    | 2309             |
| of proceedings heard before a county clerk .              | 5653             | concealing  | 6929             |
| of all orrs and decrees to be made at length              | 5949             | <b>EVICTON</b> -action of, against guardian,                |                  |
| injustice's docket, what and how                          | 6123             | tenant, etc   | 5466, 5466,5467  |
| <b>EQUALIZATION</b> -county board of                      | 1584-1586        | <b>EVIDENCE</b> -affidavits prove what                      | 5281             |
| territorial board, how constituted                        | 1588             | depositions   | 5283-5301        |
| (See Assessment and Taxation.)                            |                  | to perpetuate testimony                                     | 5321             |
| <b>ERASURES</b> -in any instrument with intent to defraud | 6777             | insufficiency of, ground for new trial...                   | 5088             |
| partial in will   | 3326             | order of introducing on trial                               | 5047             |
| making false in books and accounts                        | 6698, 6770, 6777 | sheriff's certificate of sale, by copy... .                 | 5148             |
| <b>ERRORS</b> -of law, ground for new trial..             | 5088             | deed is ...   | 5165             |
| in pleadings-trivial, disregarded (See Amendments.)       | 4941             | statutes in printed volumes                                 | 5302             |
| important, how corrected                                  | 4939             | decisions of courts in printed volumes                      | 5302             |
| what not material in criminal actions                     | 7246             | public maps and documents                                   | 5302             |
| informalities not fatal                                   | 7588             | judicial records of any state                               | 5303             |
| in writ of error  | 7514, 7520       | transcript from justice's docket ....                       | 5305, 5305,5306  |
| return to writ of error                                   | 7515, 7520       | acknowledged instruments                                    | 5307             |
| <b>ESCAPE</b> -concealing escaped prisoners.              | 6344             | record of, or copy of record of, when..                     | 5308             |
| <b>ESCAPES</b> -and aiding therein                        | 6337-6347        | entries in official books of record. .                      | 5309, 5310       |
| may be rearrested and punished                            | 6337             | record of mortgage foreclosure                              | 5426             |
| from territorial prison                                   | 6338             | civil pleadings not to be used in criminal prosecutions as  | 5310             |
| attempt to  | 6339             | to interrupt limitations                                    | 4869             |
| from other prisons  | 6340             | production and inspection of papers to be used as           | 5250, 5250,5251  |
| attempt to  | 6341             | falsifying  | 6366-6371        |
| assisting prisoner  | 6342             | offering false, how punished                                | 6366             |
| carrying into prison things to aid                        | 6343             | preparing false   | 6368             |
| concealing prisoners                                      | 6344             | destroying  | 6369             |
| assisting, from officer                                   | 6345             | withholding, for reward                                     | 6386             |
| permission of, by officer                                 | 6373             | suppression of  | 6387             |
| Jurisdiction of indictment for                            | 7099             | in prosecution for libel                                    | 6514             |
| rearrest of   | 7160,7161        | of title in boundaries of realty, not to                    |                  |
| officer may break open door to make arrest                | 7161             | be received in justice's court                              | 6049             |
| <b>ESCHEAT</b> -when property passes by ...               | 3418             | killing stock by railroad train is, of negligence           | 5501             |
| <b>ESCROW</b> -delivery of grant in                       | 3232             | grand jury, what may be received as, by                     | 7215-7217        |
| cannot be made to grantee                                 | 3231             | member of, may give   | 7219             |
| <b>ESTATES OF DECEASED PERSONS</b> (See Executors and     |                  | taken on examination to be reduced to writing, when         | 7051, 7169, 7628 |
| AdministratorsProbate Court-Succession-Wills.)            |                  | to be returned to court,                                    | 7171, 7187, 7630 |
| <b>ESTATES</b> -in real property (See Real                |                  | what may be offered under plea of not guilty                | 7307             |
| Property-Remainder-Reversion;)...                         | 2731             | rules of, in criminal actions                               | 7382             |
| In partition, certain may be set off, when                | 5380             | of overt act, necessary in conspiracy...                    | 7383             |
| for life or years, compensated                            | 5388-5390        | of accomplice, must be corroborated...                      | 7384             |
| <b>ESTRAYS</b> -fees in matter of                         | 1425             | of false pretense   | 7385             |
| may be taken up only by resident                          | 2292             | of seduction  | 7386             |
| when shall not be taken up                                | 2293             | of mitigation of murder, burden of proof.                   | 7402             |
| notice to be posted or published                          | 2294             | of bigamy   | 7403             |
| proceedings when not claimed after notice                 | 2294             | of forgery  | 7404             |
| justice to summon appraisers                              | 2295             | in aggravation or mitigation of judgment in criminal action | 7467-7469        |
| return of appraisers                                      | 2295             | depositions in criminal actions (SeeDepositions.) ...       | 7540-7563        |
| justice shall publish description of                      | 2296             | of witness privileged                                       | 2530             |
| report to register of deeds                               | 2297             | of marriage, certificate is presumptive,                    | 2552             |
| record of appraisalment shall be kept...                  | 2298             | what required to prove mental unsoundness                   | 2655             |
| when two or more animals are taken up                     | 2299             | of age of apprentice, statement in indenture is presumptive | 2661             |
| claimant shall pay all charges                            | 2300             | of incorporation, certified copies of articles is.a         | 2907             |
| disposition of unclaimed estray, when                     |                  | need not be submitted unless denied                         | 2908             |
| value less than fifty dollars                             | 2301             | of delivery of grant, date is presumptive                   | 3230             |
| when value is over fifty dollars                          | 2302             |   |                  |
| sale of   | 2302             |   |                  |
| money if not claimed goes to school fund                  | 2303             |   |                  |
| description of filed with treasurer                       | 2304             |   |                  |

# INDEX

## EVIDENCE-Continued.

|   |                          |
|---|--------------------------|
| of oral declarations not admissible to explain will                                     | 3344, 3366               |
| of ownership may be required by finder of publication, affidavit of printer, etc., when | 3690<br>4071, 4079, 5304 |
| of registry of fictitious name, certified copy .  | .4071                    |
| of loss to be given to insurer  | 4177                     |
| certificate of service by seamen  | 3818                     |
| copies of notarial acts certified-by clerk of district court by notary                  | 502<br>501               |
| of proceedings of county board  | 583, 1075                |
| record of surveyor's notes and plats..  | 690                      |
| ordinances of town boards   | 1094                     |
| treasurer's deed of land sold for taxes..   | 1639                     |
| certificate ....  | 1626                     |
| copies from county clerk's office duly certified  | 644                      |
| copies of order laying out or altering highway  | 843                      |
| of debt is subject to embezzlement  | 6803                     |
| forging indorsement on  | 6750                     |
| false- selling, exchanging, or delivering   | 6757                     |
| having in possession  | 6758                     |
| buying to sue on  | 6395-6397                |
| false-issuing or selling, against a corporation   | 6762                     |
| of ownership, issuingfalse  | 6760                     |
| required to convict of barratry   | 6393                     |
| reissuing canceled certificates   | 6761                     |
| of convict of perjury not receivable....  | 6365                     |
| trial juror may give evidence, how  | 7398                     |
| criminal may be brought out of jail to give   | 7857                     |
| must be adduced anew on new trial....   | 7449                     |
| indictment found in other state to be used as   | 7637                     |
| <b>EXAMINATION OF OFFENDERS.</b>  | 7162-7187                |
| defendant to be informed of charge....  | 7162                     |
| allowed time for counsel  | 7163                     |
| to be examined  | 7164                     |
| adjournment, when   | 7165                     |
| commitment or bail  | 7166                     |
| form of, for examination  | 7167                     |
| entitled to subpoenas   | 7168                     |
| witnesses may be cross examined by  | 7169                     |
| may produce witnesses   | 7171                     |
| magistrate must keel) depositions   | 7171                     |
| neglect a misdemeanor   | 7172                     |
| defendant discharged, when  | 7173                     |
| costs taxed against complainant,when  | 7174                     |
| held to answer, when  | 7175                     |
| proceedings when offense is not bailable  | 7176                     |
| when offense i, bailable  | 7177                     |
| committed if bail not given   | 7178                     |
| commitment of defendant   | 7179                     |
| form of   | 7180                     |
| witness to give undertaking to appear   | 7181                     |
| same with sureties  | 7182                     |
| infants and married women may berequired to give undertaking                            | 7183                     |
| if witness does not give undertaking  | 7184                     |
| if discharged on personal recognizance may be required to give                          |                          |
| sureties subsequently   | 7185                     |
| may be confined   | 7186                     |
| papers and record certified to district court   | 7187                     |
| in criminal actions against corporations  | 7582                     |
| (See,fu.tice's Court.)  |                          |
| <b>EXCEPTIONS</b>   | 5079-5086                |

Section.

## EXCEPTIONS- Continued.

|  |                  |
|--|------------------|
| defined  | 5075             |
| what are deemed to have been excepted to                   | 5080             |
| no particular form required                                | 5081             |
| bill of, when and how settled                              | 5082, 5082,5083  |
| to decision made after judgment                            | 5084             |
| maybe settled by supreme court if denied by district court | 5085             |
| who settles, in case of vacancy                            | 5086             |
| in motion for new trial, may be used on appeal             | 5094             |
| judge may extend time ..                                   | 5093             |
| to sufficiency of sureties on appeal bond                  | 5232             |
| to depositions to be in writing....                        | 5298-5300        |
| to judge's decisions on depositions, waived, unless ...    | 5301             |
| to bail in "arrest and bail                                | 4958             |
| to sureties in claim and delivery                          | 4976             |
| to defendants' sureties in attachment..                    | 5010             |
| to verdict or decision of the court                        | 5075             |
| to charge of judge must be specific....                    | 7511             |
| <b>EXCEPTIONS, BILLS OF-in criminal actions</b>            | 7439-7448        |
| to matters of law  | 7439             |
| signed by judge and filed with clerk..                     | 7440             |
| must be settled at trial, when                             | 7441             |
| if not, when prepared                                      | 7442             |
| three days' notice given                                   | 7442             |
| judge to settle and sign                                   | 7443             |
| time for preparing may be extended.                        | 7444             |
| deemed abandoned, when                                     | 7445             |
| what the bill must contain                                 | 7446             |
| filed with clerk   | 7447             |
| other exceptions taken, when                               | 7448             |
| <b>EXCHANGE-defined</b>                                    | 3653             |
| contract of, when to be in writing, etc..                  | 3654             |
| rights and obligations of parties to                       | 3655             |
| of money, warranty upon                                    | 3656             |
| title passes by, when                                      | 3257             |
| deposit for, defined                                       | 3662             |
| regulated  | 3697             |
| factor has not authority to                                | 4611             |
| computation of, upon dishonor of for                       |                  |
| eign bills   | 4559-4561        |
| <b>EXECUTED-or executory, contract may be</b>              | 3576             |
| consideration of contract may be                           | 3534             |
| contract defined   | 3576             |
| transfer is  | 3223             |
| <b>EXECUTION-who may order</b>                             | 5110             |
| after five years issues only by leave of court             | 5111             |
| may issue at instance of sheriff, when..                   | 517:3            |
| successors, heirs etc., may order, when                    | 5110,4882        |
| is issued by the clerk in name of territory                | 5116             |
| form and contents of                                       | 5116, 5116,5166  |
| is returnable to clerk in sixty days                       | 5117             |
| three kinds of   | 5113             |
| to satisfy judgment for money may be                       |                  |
| issued to different counties at same time                  | 5114             |
| how to be executed   | 5119-5121,5539   |
| issues to collect costs                                    | 5212, 5212,5358  |
| by whom executed, referee                                  | 5114-5527        |
| successive levies may be made when necessary               | 5147,5121        |
| what property may be seized on ...                         | 5118, 5118,5179  |
| personal property taken first..                            | 5116, 5119,513.5 |
| things not capable of manual delivery, how seized          | 5004             |

Section.

# INDEX.

|   | Section.               |   | Section.         |
|---|------------------------|---|------------------|
| <b>EXECUTION- Continued.</b>                                      |                        | <b>EXECUTION-in criminal actions-proceedings-Continued.</b> |                  |
| things in actions appropriated to payment without sale            | 5122, 5123             | if defendant is found sane                                  | 7487             |
| debtor's debtor may pay to sheriff.                               | 5124, 5125             | insane  | 7488             |
| property exempt from  | 5126-5140              | judgment of death against pregnant woman                    | 7489             |
| sheriff must serve notice of levy on debtor                       | 5135                   | if not pregnant   | 7490             |
| directs appraisalment of selected property exempt                 | 5131, 5131, 5132       | if pregnant, execution suspended..                          | 7490             |
| selects third appraiser, when                                     | 5131                   | governor to order execution, when.                          | 7491             |
| administers oath to appraisers                                    | 5131                   | judgment not executed, defendant brought before court       | 7492             |
| impanels jury to try rights of third claimant                     | 5125                   | inquiry by the court  | 7493             |
| gives notice of claim and time of trial to plaintiff in execution | 5125                   | death produced by hanging                                   | 7494             |
| swears jurors and witnesses                                       | 5125                   | judgment of death executed where...                         | 7495             |
| may relinquish the levy, unless                                   | 5125                   | who may be present at                                       | 7496             |
| advertises sale of personal property, how                         | 5141                   | return of   | 7497             |
| sells perishable property at discretion of court or judge         | 5141                   | certificate filed with clerk                                | 7498             |
| sale of real property, advertises how.                            | 5142                   | suspended by writ of error                                  | 7508             |
| to be at court house in county where situated                     | 5143, 51436            | stayed in capital cases by writ of error                    | 7506             |
| designates place of, when, how made                               | 5143, 5144             | in justice's court (See Justices' Courts.)                  | 6111-6117        |
| manner of directed by debtor                                      | 5144                   | in probate court  | 5957             |
| cannot become purchaser at  | 5144                   | stay of   | 5968, 5969, 5973 |
| may postpone  | 5145                   | EXECUTIVE   | 6126             |
| overplus of, due defendant  | 5146                   | EXECUTORS AND ADMINISTRATORS                                | 5694-5761        |
| writ may be returned by, and a new one issued                     | 5147                   | ADMINISTRATORS-letters granted, how                         | 5705-5710        |
| plaintiff may abandon, and commence anew ..                       | 5147                   | when  | 5712             |
| sale transfers the rights of the debtor.                          | 5148                   | petition and contest  | 5711-5719        |
| sheriff must certify to purchaser                                 | 5148                   | must state what   | 5711             |
| confirmation of by court  | 5149                   | notice of hearing of  | 5713             |
| sheriff must execute deed to purchaser, when                      | 5160                   | who may contest   | 5714             |
| successor may execute when  | 5161                   | hearing of  | 5715             |
| return of the writ to the clerk                                   | 5119, 5134, 5170       | proof of the notice   | 5716             |
| for the delivery of possession of real or                         |                        | waiver of better right to letters..                         | 5717             |
| personal property, what the writ must direct                      | 5112, 5113, 5116       | proof of intestacy and value and character of property      | 5718             |
| of judgment decreeing injunction                                  | 5112                   | letters to third persons on request non-residents           | 5719             |
| of order of arrest in "arrest and bail" ..                        | 4951                   | appeals do not stay issue of.                               | 5972             |
| of order to deposit   | 5022                   | revocation-of letters                                       | 5720-5723        |
| of judgment in certiorari   | 5112, 5515             | when  | 5720             |
| mandamus  | 6112, 5527-5529        | hearing of petition for                                     | 5722             |
| bastardy  | 5566                   | additional notice of hearing                                | 5721             |
| prohibition   | 5112, 5527, 5529, 5533 | prior rights asserted                                       | 5723             |
| supplemental proceedings in aid of                                | 5174-5185              | by finding will   | 5751             |
| of judgment confessed   | 5539                   | oath and bond   | 5724-5743        |
| in criminal actions   | 7474-7498              | with the will annexed-powers of....                         | 5701             |
| copy of judgment furnished officer...                             | 7474                   | what operates as discharge of                               | 5926             |
| when judgment is for fine   | 7475                   | letters-issued to when will annexed.                        | 5698-5701        |
| for imprisonment  | 7476                   | in case of intestate  | 5704             |
| for fine or imprisonment  | 7477                   | who entitled to   | 5705             |
| for imprisonment in territorial prison                            | 7478                   | preference in issuing                                       | 5706             |
| authority of officer conveying prisoner                           | 7479                   | persons equally entitled to                                 | 5707             |
| proceedings when judgment is for death                            | 7480                   | to guardian of minor  | 5708             |
| testimony, statement of conviction                                |                        | who incompetent to serve                                    | 5709             |
| and judgment of death must be sent to governor                    | 7482                   | married women   | 5710             |
| governor may require opinion of judges                            | 7482                   | proof of appointment  | 5757             |
| only can reprieve   | 7483                   | special ....  | 5744-5750        |
| when defendant becomes insane after judgment of death             | 7484                   | appointed, when   | 5744             |
| inquisition to try insanity                                       | 7485                   | how   | 5745             |
| certificate to be returned  | 7486                   | preference given  | 5746             |
|   |                        | bond to be given  | 5747             |
|   |                        | duties  | 5748             |
|   |                        | suspended by regular appointee ...                          | 5749             |
|   |                        | account must be rendered                                    | 5750             |
|   |                        | EXECUTOR-who entitled to letters as, though not named       | 3392             |
|   |                        | cannot have power to appoint executor                       | 3393             |
|   |                        | has no power until he has qualified ....                    | 3394             |
|   |                        | executor of, has no power as such....                       | 3395             |

# INDEX.

|   | Section.        |  | Section.        |
|---|-----------------|--|-----------------|
| <b>EXECUTORS AND ADMINISTRATORS-executor-Continued.</b> |                 | <b>EXECUTORS AND ADMINISTRATORS-Continued.</b>             |                 |
| by the will-letters granted to                          | 5694            | <b>ACTIONS</b> by and against                              | 5860-5869       |
| who incompetent to serve                                | 5695            | for purposes of, possession is what..                      | 5860            |
| presumed renunciation                                   | 5662            | for recovery of property                                   | 5861            |
| objections to   | 5696            | for waste, conversion and trespass...                      | 5862            |
| married women as  | 5697            | against executors and administrators                       | 5863            |
| death of ..   | 5698            | against predecessor  | 5865            |
| disqualification removed                                | 5699            | to set aside fraudulent conveyances .                      | 5868            |
| acts of part of   | 5700            | not bound to sue unless creditors demand                   | 5869            |
| letters testamentary                                    | 5702            | joinder of parties   | 5866            |
| appeals do not stay issue of                            | 5972            | effect of judgment against                                 | 5782            |
| personal debt of  | 5767            | <b>ACCOUNTS</b> of   | 5882-5907       |
| bequest to  | 5768            | with what not chargeable                                   | 5882, 5882,5885 |
| proof of appointment                                    | 5757            | with what chargeable                                       | 5883            |
| oaths and bonds   | 5724-5743       | must account for profit and loss                           | 5884            |
| <b>ADMINISTRATION</b> -inventory of property to be made | 5763            | allowed expenses and certain fees...                       | 5886            |
| must contain what                                       | 5765, 5765,5766 | cannot purchase claims                                     | 5887            |
| return of   | 5769            | fees and commissions allowed                               | 5888            |
| refusal to return                                       | 5770            | full statement of rendered                                 | 5889            |
| additional  | 5771            | citation on failure to render                              | 5890            |
| entitled to possession of all property.                 | 5772            | petition for final, by third person...                     | 5891            |
| term of possession                                      | 5773            | action upon petition                                       | 5892            |
| may maintain action to recover embezzled property       | 5774            | contest of   | 5893            |
| may compel account by third person                      | 5777            | attendance compelled, to render                            | 5894            |
| must make separate inventory of al                      |                 | full, to be rendered at end of year ...                    | 5895            |
| lowance to widow and children.                          | 5778,5779       | must show what   | 5895            |
| must give notice to creditors                           | 5787            | to successor   | 5896            |
| neglect to give   | 5809            | neglect or refusal to                                      | 5897            |
| claims- may require vouchers in ....                    | 5791            | vouchers, furnished with                                   | 5898            |
| allowance and rejection of                              | 5794            | settlement of items of, without vouchers                   | 5899            |
| allowance of, not proved                                | 5792            | notice of settlement of                                    | 5900            |
| cannot allow those barred by statute of limitations     | 5797            | requisites of  | 5901            |
| having claims against estate                            | 5808            | proof of   | 5905            |
| may refer   | 5805            | exceptions to  | 5902            |
| must make statement of                                  | 5810            | heirs may contest all matters on settlement of ..          | 5903            |
| may pay undue, when                                     | 5811            | allowance of, effect of                                    | 5904            |
| may compound  | 5867            | personalty sold when                                       | 5906            |
| may make conveyance in accordance                       |                 | investment of funds  | 5907            |
| with decedent's contract                                | 5871-5881       | of sales to be rendered                                    | 5858            |
| must take oath  | 5724            | <b>SALE</b> -of real property                              | 5821-5859       |
| non-resident must appointagent                          | 5725            | when necessary   | 5821            |
| <b>BoNDs</b> -must be given                             | 5726-5743       | petition for-requisites of                                 | 5822            |
| additional, before real estate is sold..                | 5727            | order-for hearing on                                       | 5823            |
| conditions of   | 5728            | served on whom   | 5824            |
| separate  | 5729            | hearing on ....  | 5825            |
| successive recoveries on                                | 5730            | attendance of witnesses may be compelled                   | 5826            |
| justification and approval of                           | 5731            | all may be sold  | 5827            |
| examination of sureties                                 | 5732            | order-of sale  | 5828            |
| security insufficient, rights cease ....                | 5732            | must prescribe time and method ...                         | 5829            |
| waived by will  | 5733            | petition for sale of, by others                            | 5830            |
| becoming insufficient                                   | 5734            | notice of sale   | 5831            |
| citation to executor or administrator-service           | 5735            | place and time of sale                                     | 5832            |
| hearing and order                                       | 5736            | private sale   | 5833            |
| revocation of letters for disobedience                  | 5737            | recovered in action may be sold                            | 5870            |
| suspension of powers                                    | 5738            | price offered must be ninety per cent. of appraised values | 5834            |
| inquiry into sufficiency of                             | 5739            | security when sale is made on credit.                      | 5835            |
| release of surety on application                        | 5740            | return of sale   | 5836            |
| allowed, when   | 5741            | resale ordered, when                                       | 5836            |
| refusal to give new sureties-revocation                 | 5742            | objections to the sale                                     | 5837            |
| hearings on, out of term time                           | 5743            | confirmation of the sale                                   | 5838            |
| is good on appeal to district court...                  | 5981            | conveyance and record-effect of                            | 5839            |
| <b>REMOVALS AND SUSPENSIONS</b>                         | 5758-5761       | proof of notice of sale                                    | 5840            |
| embezzlement, waste, fraud, etc                         | 5758            | postponement of sale                                       | 5841            |
| citation on suspension                                  | 5759            | notice of-at place of sale                                 | 5842            |
| hearing of the issues                                   | 5760            | whole estate in distribution                               | 5936            |
| attendance may be compelled                             | 5761            | description of, on sale                                    | 5956            |
| notice of proceedings given by publication, when        | 5762            | will-provisions of must be followed.                       | 5843            |
|   |                 | sale under, without order                                  | 5844            |
|   |                 | preferred property   | 5845            |

# INDEX.

|  | Section.         |  | Section.         |
|--|------------------|--|------------------|
| <b>EXECUTORS AND ADMINISTRATION</b>                          |                  | <b>EXECUTORS AND ADMINISTRATION</b>                              |                  |
| <b>TORS</b> -sale-will-Continued. property liable for debts  | 5846             | <b>TORS</b> -general provisions-Continued.                       |                  |
| contribution by devisees and legatees                        | 5847             | must pay preferred claims and expenses, of administration out of |                  |
| contract-for purchase of land may be sold                    | 5848             | first money  | 5911             |
| terms of sale  | 5849             | need not pay legacies until ordered by probate court             | 5911             |
| bond of purchaser  | 5849, 5849, 5850 | discharged when assets of estate are exhausted                   | 5912             |
| transfer of title  | 5851             | personally liable for debts ordered paid, when..                 | 5914             |
| liens on realty  | 5852             | sales of property by   | 5812-5859        |
| lienor may purchase  | 5853             | to enforce execution of judgment in favor of decedent            | 5110             |
| misconduct of sale   | 5854             | may sue in representative character                              | 4872             |
| fraudulent sale ....   | 5855             | (See Probate Court-Wills.)                                       |                  |
| action to recover estate sold                                | 5856             | <b>EXECUTORY</b> -contract, defined                              | 3576             |
| legal disabilities   | 5857             | consideration may be   | 3534             |
| account of sales   | 5858             | need not be specified in contract                                | 3535             |
| executor or administrator cannot purchase                    | 5859             | how ascertained  | 3536             |
| of personal property   | 5816-5820        | <b>EXEMPLARY DAMAGES</b> -minors, lunatics, etc., not liable in  | 2523             |
| what can be sold without notice...                           | 5816             | in what cases allowed  | 4580             |
| prerequisites to sale of                                     | 5817             | (See Damages.)   |                  |
| partnership interests and claims...                          | 5818             | <b>EXEMPTION</b> -absolute                                       | 5127, 5128       |
| causes for   | 5819             | specific alternative   | 5129             |
| what sold first  | 5819             | of things in kind, selected how                                  | 5130             |
| method of sale   | 5820             | schedule to be made by debtor                                    | 5130             |
| notice of sale   | 5820             | by limitation of value, appraisalment...                         | 5130             |
| general, provisions  | 5812-5815        | appraisers, how chosen   | 5131             |
| all property chargeable for debt and may be sold             | 5812             | oath and duties of   | 5132             |
| court orders all sales                                       | 5813             | wife or child may claim, when                                    | 5133, 5135       |
| petition for order for sale                                  | 5814             | to be returned by sheriff  | 5134             |
| only one sale, when  | 5815             | sheriff to give notice of levy, in execution ..                  | 5135             |
| executors and administrators must give additional bond, when | 5727             | claim of, how and when made                                      | 5135             |
| conveyances under contract of decedent                       | 5871-5881        | in favor of laborers', mechanics' and physicians' lien           | 5136             |
| application for  | 5872             | not allowed for purchase money                                   | 5137             |
| hearing of application                                       | 5873             | for property obtained under false pretenses                      | 5139             |
| decree on hearing  | 5874             | against execution for fine                                       | 5140             |
| deed and record  | 5875             | for forfeiture of undertaking                                    | 5140             |
| effect of deed   | 5875, 5877       | in favor of corporation receiving tolls                          | 2964             |
| dismissal of petition-appeal                                 | 5876             | partnership can claim but one....'                               | 5138             |
| decree gives possession                                      | 5878             | wages exempt from execution, when..                              | 5179             |
| enforcing the decree   | 5879             | only absolute, allowed against damages                           |                  |
| death of claimant, representative entitled                   | 5880             | for trespass of animals  | 5569             |
| surrender of possession ordered by decree                    | 5881             | of homestead from execution                                      | 2449, 2419, 2461 |
| under sale of real property                                  | 5839             | in favor of cemetery corporations                                | 3161             |
| <b>GENERAL PROVISIONS</b> --powers and duties of             | 5860-5870        | in assignment for benefit of creditors..                         | 4677             |
| citation to, on contest                                      | 5681             | in favor of heirs  | 5778-5793        |
| powers cease on revocation                                   | 5684             | from jury service not cause for challenge                        | 7360             |
| restrained on proof of lost will                             | 5690             | from civil process on election day                               | 1483             |
| will found-succeed to duties                                 | 5752             | from taxation  | 1542, 1621       |
| survivor completes duties                                    | 5753             | <b>EXONERATION</b> -of guarantor (See Guarantor-Guaranty.)       | 4292-4296        |
| successor appointed, when                                    | 5751             | of surety (See Surety.)  | 4302, 4303       |
| resignation of   | 5755             | <b>EXPERIMENTAL STATION</b> (See Agricultural College.)          |                  |
| liability of, after resignation                              | 5755             | <b>EXTINCTION</b> -of obligations (See Obligation.)              | 3451-3493        |
| acts before revocation are valid                             | 5756             | of contracts (See Contract.)                                     | 3587-3596        |
| cannot purchase property of the estate                       | 5859             | <b>EXTORTION</b>   | 6808-6814        |
| can sell perishable property without notice                  | 5816             | defined  | 6808             |
| property discovered after final settlement                   | 5948             | what threats constitute  | 6809             |
| of deceased notary public, must de                           |                  | punishment for   | 6810             |
| posit records with clerk of court ...                        | 497              | when under color of official right                               | 6811             |
| lawful acts not affected by reversal on                      |                  | obtaining signature by   | 6812             |
| appeal from order granting letters..                         | 5982             | sending threatening letters for purpose of                       | 6813             |
| may be compelled to attend hearing on petition for sale      | 5826             |  |                  |



# INDEX.

|  | Section.         |  | Section.        |
|--|------------------|--|-----------------|
| <b>EXTORTION-Continued.</b>  |                  | <b>FEES AND SALARIES-Continued.</b>              |                 |
| attempts   | 6814             | agriculture-district boards of                   | 191             |
| <b>EXTRADITION</b> (See Fugitives front Justice.)                  |                  | secretary of district board of                   | 178             |
| FACT-question of, stated in order for trial                        | 4832             | treasurer of district board of                   | 179             |
| findings of, separately stated in decision by court                | 5067             | adjutant general                                 | 1936            |
| preparation of   | 5069             | assistant clerks of general assembly ..          | .18, 18,19      |
| how waived   | 5068             | enrolling and engrossing                         | 19, 19,20       |
| control general verdict  | 5061             | aldermen   | 901             |
| jury determines both law and fact in trial of indictment for libel | 7373             | bailiffs   | 1438            |
| <b>FACTOR</b> -defined   | 3791, 3791,4910  | board of visitors to asylum for poor..           | 2175            |
| must obey instructions   | 3792             | bounty-for killing wolves                        | 2285            |
| may sell on credit   | 3793             | for tree planting                                | 2405            |
| guaranteeing sales, liability of                                   | 3794             | county treasurer-regular fees                    | 1417            |
| cannot refuse to guarantee, when                                   | 3795             | salary of  | 632-636         |
| authority of, actual   | 4011             | payment of taxes for non-resident...             | 1418            |
| ostensible   | 4012             | collecting city taxes                            | 923             |
| guaranty by, need not be in writing....                            | 4277             | for certificate of purchase                      | 988             |
| lien of  | 4442             | collecting town taxes                            | 1058            |
| (See Agency-Agent-Employment.)                                     |                  | handling county bonds                            | 700             |
| <b>FALSE ENTRIES</b> -in books of account                          |                  | making demand for taxes on personal property     | 1618            |
| by employe to deceive employer                                     | 6770             | tax deed or certificate                          | 1627            |
| is forgery-in books of record                                      | 6753             | for cancellation of certificate                  | 1635            |
| books of public accounts   | 6766             | certifying to abstracts                          | 641             |
| in corporation books   | 6769             | registering warrants                             | 1674            |
| <b>FALSE IMPERSONATION</b> -is a felony, when ..                   | 6815             | deputy   | 636             |
| and receiving money or property, how punished                      | 6816             | county officers in organization of new county    | 532             |
| of officers or others of special authority                         | 6817             | county auditor                                   | 659, 659,660    |
| wearing grand army badges  | 6818, 6819       | county clerk                                     | 620, 620,1408   |
| <b>FALSE NAME</b> -bringing suit in                                | 6420             | in claim for wolf bounty                         | 2289            |
| <b>FALSE PRETENSES</b> -by personating another                     | 6815             | county superintendent of schools                 | 1718            |
| by pretending to be an officer                                     | 6817             | fee for certificate of qualification             | 1724            |
| obtaining money or property by                                     | 6816, 68.20-6824 | county assessor                                  | 1423            |
| for charitable purposes  | 6821             | county commissioners                             | 1424            |
| by note of banking company not in existence                        | 6822             | in division of counties                          | 553             |
| by using false check   | 6823             | in matter of estrays                             | 1425            |
| by means of mock auction   | 6824             | coroner  | 1414            |
| by making false invoice, etc                                       | 6828             | when acting as sheriff                           | 663             |
| what evidence necessary to convict of.                             | 7385             | commissioners of insanity                        | 2196            |
| <b>FALSE STATEMENT</b> -defined                                    | 6358             | commissioners for sale of capital lots..         | 135             |
| regarding registration of voters ...                               | .6272, 6272,6273 | commissioners, viewers and reviewers of highways | 1229            |
| by newspapers to increase sale                                     | 6673             | city treasurer, how fixed                        | 1165            |
| regarding taxes  | 6716             | clerk of district court-general fees....         | 1406            |
| <b>FALSE WEIGHTS AND MEASURES</b>                                  | 6831-6836        | in organization of counties                      | 532             |
| <b>FARE</b> -of passenger may be demanded                          |                  | city officers                                    | 900-902         |
| at any time  | 3896             | commissioner of immigration                      | 111, 111,112    |
| passenger may be ejected for non-payment of                        | 3897,3021        | constables, same as sheriff                      | 1421            |
| ejection forfeits right to   | 3897             | clerk of judiciary committee                     | 24              |
| <b>FEES</b> -taking excessive, is prohibited...                    | 6303-6306        | custodian of territorial library                 | 65              |
| <b>FEES AND SALARIES</b> attorneys-prosecuting violation of        |                  | county surveyor                                  | 1422            |
| game law   | 2374             | clerks of election                               | 1470            |
| appointed by probate court   | 5958             | district attorney                                | 431, 432, 433   |
| employed for indigent defendant....                                | 7574             | dental examiners                                 | 214             |
| (See Costs.)attorney general                                       | 102              | fee for registration                             | 211             |
| artesian well commissioner   | 2139             | deaf mute school-trustees of                     | 264, 264,271    |
| agent of non-resident heirs  | 5942             | resident officers of                             | 267             |
| agricultural college, regents of                                   | 375              | education, board of                              | 1689            |
| appraisers of slaughtered diseased animals                         | 2333             | clerk  | 1817            |
| in probate court   | 6764             | examiners of highways                            | 1204, 1204,1229 |
| in matter of estrays   | 1425             | executors and administrators                     | 5886, 5888      |
| in case of animals killed or crippled                              | 5504             | grain warehouse commissioners -for license       | 161             |
|  |                  | guardians  | 6008            |
|  |                  | health-superintendent of board of....            | 196             |
|  |                  | fee for license to physicians                    | 205             |
|  |                  | president and vice president                     | 197, 197,203    |
|  |                  | county board of health                           | 203             |
|  |                  | insane hospitals-trustees of                     | 238             |
|  |                  | resident officers of                             | 241             |
|  |                  | interpreters                                     | 1433            |
|  |                  | justice of the peace...                          | 1420            |
|  |                  | in case of animals killed or crippled.           | 5504            |
|  |                  | in matter of estrays                             | 1425            |

# INDEX.

|   | Section.               |   | Section.        |
|---|------------------------|---|-----------------|
| <b>FEES AND SALARIES-justice of the peace-Continued.</b>      |                        | <b>FEES AND SALARIES-Continued.</b>                         |                 |
| in case of slaughtered cattle                                 | 2333                   | registry board, for registration of voters                  | 1535            |
| fee for transcript  | 6110                   | railroad commissioners                                      | 142             |
| jurors-grand, petit and special in district court             | 1426-1428              | secretary of  | 142             |
| in city justice's court                                       | 937                    | referee-in claims against estates                           | 5806            |
| in town justice's court                                       | 1091                   | in civil cases  | 5198            |
| in township justice's court                                   | 1426                   | reform school-trustees                                      | 7770            |
| judges of election  | 1470                   | superintendent of building                                  | 7771            |
| legislature-subordinate officers of. ..                       | 18, 19, 22, 23, 24, 25 | resident officers and teachers                              | 7771            |
| militia   | 1972-1979              | reviewers of highways                                       | 1204,1229       |
| mayor   | 900                    | road supervisors  | 1259            |
| master in chancery  | 1415                   | secretary of the, territory-as regular fees                 | 1403            |
| messenger-sent for delinquent election returns ..             | 1475                   | issuing commissions to notaries .public                     | 495             |
| notaries public   | 1419                   | care and custody of library                                 | 65              |
| service of notice of protest                                  | 500, 501               | sheriff regular fees  | 1409-1412       |
| normal school-at Madison-members of board of education of     | 340                    | in organization of counties                                 | 532             |
| at Spearfish -members of board of education                   | 357                    | in insane cases   | 2196            |
| at Springfield-members of board of education of ..            | 378                    | service of orders to viewers and reviewers                  | 2076            |
| officers of council and house of representatives              | 16                     | as marshal of courts martial                                | 1967            |
| officer-taking acknowledgments                                | 1438                   | testing weights and measures                                | 2421            |
| for making foreign arrest                                     | 7647, 7837             | for service of prisoners outside of jail                    | 7813            |
| overseer of highways  | 1288                   | stenographers   | 23, 482-485     |
| destroying noxious weeds                                      | 2408                   | sealer of weights and measures                              | 2121            |
| overseers of poor   | 2159                   | surveyor  | 1422            |
| officers and men of Dakota national guard                     | 1972, 1979             | plattling town, city or additions                           | 1102            |
| poundmasters  | 828                    | sheep inspector   | 2359, 2359,2364 |
| probate judge-regular fees                                    | 1416                   | supervisors of election                                     | 531             |
| furnishing copies of proceedings pertaining to artesian wells | 2139                   | school of mines, trustees of                                | 400             |
| in insane cases   | 2196                   | supreme judges-for traveling andother expenses              | 406             |
| person-for returning poll books to county clerk               | 1470                   | territorial auditor-as salary                               | 1404            |
| ordered to kill glandered horse                               | 2343                   | as fees ...   | 3076            |
| serving process in probate court                              | 5652                   | territorial treasurer-as salary                             | 1405            |
| printers -publishing proceedings of county commissioners      | 619                    | territorial superintendent                                  | 1691            |
| legal notices   | 1422                   | territorial board of education                              | 1689            |
| delinquent tax-list   | 1620                   | township officers   | 799             |
| in matter of estrays  | 1425                   | supervisors   | 799             |
| public examiners  | 125                    | township treasurer  | 785             |
| pharmacy-board of   | 227                    | township school directors                                   | 1746            |
| fee for examination   | 224                    | clerk   | 1703            |
| for certificate as registered assistant                       | 225                    | librarian ..  | 1799            |
| annual fees...  | 226                    | viewers and reviewers                                       | 2076            |
| secretary of board of pharmacy                                | 227                    | veterinary surgeon  | 2333            |
| pages   | 22                     | deputy veterinary surgeon                                   | 2338            |
| physician summoned by coroner to make examination             | 678                    | witnesses ...   | 1421            |
| examining of insane   | 2196                   | <b>FELONIES-adultery</b>                                    | 6535            |
| penitentiary at Sioux Falls-directors                         | 7667                   | abduction-of female under age of fifteen years              | 6531            |
| warden and other resident officers,etc                        | 7675                   | abortion-procuring  | 6538            |
| at Bismarck-directors   | 7725                   | arson   | 6735            |
| warden and other resident officer..                           | 7731                   | attempt-to commit a crime, when failure                     | 6944            |
| register of deeds-regular fees                                | 1407                   | to kill   | 6478-6480       |
| salary of ..  | 632-636                | auction, mock-holding                                       | 6824            |
| recording official bonds                                      | 1378                   | assault-with dangerous weapon                               | 6510            |
| making numerical, grantor and grantee indexes                 | 628, 628,631           | with intent to commit a felony...                           | 6491, 6492      |
| recording town or city plats                                  | 1102                   | bill of lading-delivery of fraudulent..                     | 6866            |
| location certificate  | 2012                   | signing and delivering false                                | 6712            |
| marks and brands  | 2262,2444              | or warehouse receipt--issuing fraudulent                    | 6867            |
| in matter of estrays  | 1425                   | omitting to mark duplicate                                  | 6869            |
| filing seed grain lien  | 5493                   | selling or pledging goods without consent of holder of      | 6870            |
| deputy  | 636                    | neglect to cancel when goods are delivered                  | 6871            |
|   |                        | receiving deposits..  | 6850            |
|   |                        | ballots or ballot boxes-destroying....                      | 6283            |
|   |                        | building and loan association--violation of oath of officer | 3180            |

# INDEX.

|   | Section.         |   | Section.         |
|---|------------------|---|------------------|
| <b>FELONIES-Continued.</b>                          |                  | <b>FELONIES-Continued.</b>                                  |                  |
| brand on animals-interfering with....               | 2273             | kidnaping   | 6476             |
| bastard child-attempt to conceal death of ..        | 6947             | legislature-preventing meeting of                           | 6314             |
| burning building or grain                           | 6890             | compelling adjournment of                                   | 6316             |
| burglary  | 6744             | compelling to perform or omit an act.                       | 6318             |
| burial-places of, unlawful interference with        | 6561             | altering draft of bill of                                   | 6319             |
| bribes-giving to members of legislature             | 6321             | altering engrossed copy of bill of                          | 6320             |
| receiving by members of legislature.                | 6322             | lottery-contriving or drawing                               | 6576, 6587       |
| giving to judges, jurors or referees...             | 6326             | maiming   | 6473             |
| receiving by judges                                 | 6327             | murder  | 6449             |
| receiving by jurors, referees, etc                  | 6328             | manslaughter  | 6453, 6461       |
| giving or offering to executive officer             | 6299             | military stores-destruction of                              | 6715             |
| asking or receiving by executive officer            | 6300             | mortgaged chattels - removal or destruction of ..           | 6953             |
| bigamy  | 6541             | marry-compelling woman to                                   | 6527             |
| contracting marriage by other person                | 6545             | taking woman with intent to compel her to                   | 6529             |
| corporation-fraud in procuring organization of      | 6842             | officer-resistance of, in execution of process              | 6380             |
| destroying or falsifying books of                   | 6852             | poll list-destroying  | 6283             |
| banking-falsely representing ...                    | 6822, 6822, 6823 | poison-administering to cattle                              | 6884             |
| child-abandonment of                                | 6536             | wilfully placing in food or water                           | 6607             |
| stealing of   | 6541             | public buildings-injury of                                  | 6714             |
| pretenses to birth of                               | 6413             | public examiner-accepting unlawful compensation             | 125              |
| substituting one for another                        | 6414             | public records-injury of by ministerial officer             | 6372             |
| casks, etc.-misappropriation of                     | 2445             | larceny, destruction or mutilation of.                      | 6348             |
| conspiracy-against peace of territory               | 6426             | embezzlement of by officer                                  | 6372             |
| crime against nature                                | 6547             | public officers-embezzlement and false accounts by          | 6698             |
| compounding-crime punishable by                     |                  | public funds-loan or use of                                 | 1665             |
| death or imprisonment for life...                   | 6384             | perjury   | 6359             |
| felony  | 6384             | subornation of  | 6364             |
| dead body-unlawful removal of                       | 6559             | prisoner-escape of, from territorial prison                 | 6338, 7821       |
| purchase of   | 6560             | attempt of to escape from territorial prison                | 6339             |
| domestic animals-destruction or injury of           | 6930             | escape of, from ordinary prison, when                       | 6340             |
| drug-unlawful administering of                      | 6493             | assisting escape of, when charged with felony               | 6342             |
| duel-fighting                                       | 6495             | attempting to aid escape of, by carrying things into prison | 6343             |
| seconds aiding                                      | 6497             | rescue of, when imprisoned for felony                       | 6335             |
| sending challenge for                               | 6498             | breaking jail when awaiting trial for capital offense       | 7823             |
| embezzlement  | 6807             | removal or concealment of, to avoid writ of habeas corpus   | 7851             |
| election--for organization of new                   |                  | piles-removing or injuring                                  | 6903             |
| county, misconduct of judges, clerks or supervisors | 527              | riot  | 6677             |
| returns-mutilating or destroying...                 | 6907             | resisting officer suppressing                               | 7079             |
| extortion   | 6810             | railroad track-injuring or obstructing                      | 6873, 6873, 6874 |
| obtaining signature by                              | 6812             | rape  | 6526, 6527       |
| attempting by sending threatening letters           | 6813             | registry list-tearing down or defacing                      | 1526             |
| false-impersonation                                 | 6815, 6816       | registry law-violation of by election officers              | 1537             |
| pretenses-obtaining money by                        | 6820             | violation of by elector                                     | 1537             |
| obtaining money for charitable purposes by          | 6821-6823        | reform school-aiding escape of inmate of                    | 7787             |
| evidence-offering                                   | 6366             | robbery   | 6488, 6488, 6489 |
| preparing   | 6368             | by two or more persons                                      | 6490             |
| forgery   | 6772             | school township election law-violation of                   | 1713             |
| forged instrument-offering for record.              | 6350             | school funds-loaning by school town ship treasurer          | 1759             |
| gunpowder-destroying building with.                 | 6892             | school bonds-misappropriation of                            | 1901             |
| or other explosives -placing with                   |                  | stolen property-receiving                                   | 6793             |
| intent to destroy building                          | 6893             | suicide-aiding in   | 6435             |
| grand larceny                                       | 6781, 6786, 6787 | attempting or aiding attempt                                | 6436             |
| gas or water pipes-breaking of                      | 6913             | slung shot-carrying or using                                | 6657             |
| game-birds-false swearing as to shipment of         | 2369             |   |                  |
| grain warehouse -violation of law regarding         | 176              |   |                  |
| house of worship-injury of                          | 6891             |   |                  |
| highways-injuring                                   | 6875             |   |                  |
| insurance company-embezzlement of funds of          | 3079             |   |                  |
| making false proof of loss to                       | 6830             |   |                  |
| insured property-destruction of                     | 6829             |   |                  |
| incest  | 6546             |   |                  |

# INDEX.

| <b>FELONIES-Continued.</b>                                | <i>Section</i> |  | <i>Section</i>  |
|---|----------------|--|-----------------|
| sheriff-conversion of moneys collected                    |                |  |                 |
| by, as marshal of courts marshal ....                     | 190            | <b>FINDER-Continued.</b>   |                 |
| sheep disease-wilfully spreading                          | 2348           | may require proof of title   | 3690            |
| second offenses   | 6946-6949      | entitled to compensation   | 3691            |
| seduction-for prostitution                                | 6530           | may exonerate himself by storing thing                                   | 3692            |
| under promise of marriage                                 | 6532           | may sell thing found, when and how...                                    | 3693            |
| service-of colored person, selling                        | 6475           | owner may exonerate himself from claims of, how                          | 3695            |
| removal of person held to                                 | 6476           | absolutely entitled to thing purposely thrown away                       | 3696            |
| signal light-masking or removing                          | 6905           | (See Estrays-Lost Goods.)  |                 |
| tax receipts-substituting warrants in.                    | 1648           | <b>FINDING</b> -rights and obligations created by (See Finder.)3688-3696 |                 |
| issuing fraudulent  | 1649           | <b>FINDINGS</b> -general rule  | 5060            |
| taxation-making false list of property for                | 1552           | special control general  | 5061            |
| toll house or toll gate-injuring                          | 6877           | by the court, how stated   | 5066, 5066,5067 |
| voter-personating registered                              | 6271           | of fact may be waived by the parties...                                  | 5068            |
| <b>FELONY</b> -defined                                    | 6204, 7028     | preparation of, objections to, etc                                       | 5069            |
| punishment for, in general                                | 6212           | of fact by reference   | 5070-5078       |
| actions may be begun in three years...                    | 7114           | by jury in counterclaim for improvements                                 | 5062,5063, 5457 |
| trial by indictment for                                   | 7370           | by probate court   | 5672, 5672,5957 |
| arrest for, when made                                     | 7141           | <b>FINES</b> -imposed for crimes, paid into county general fund          | 2224            |
| duty of officer   | 7128           | may be added to imprisonment   | 6954            |
| defendant-must be present on arraignment                  | 7264           | imprisonment until paid  | 7471            |
| at trial  | 7321           | judgment of creates a lien   | 7152, 7152,7472 |
| at rendering of verdict in                                | 7418           | execution on   | 7475, 7475,7477 |
| bailable, form of bench warrant on arraignment            | 7269           | against corporations, how collected....                                  | 7586            |
| conviction for, a cause for challenge as juror            | 7357           | arrest lies in action for  | 7176            |
| any person convicted of, can not vote..                   | 6269           | in justice's court (See Justice's Court.)                                |                 |
| conviction of, cause for divorce                          | 2559           | <b>FIRE</b> -involuntary deposit may be made in case of .                | 3659            |
| compounding, indictable                                   | 7262           | refu sing aid at   | 6661            |
| <b>FEMALES</b> --may be arrested for civil action, when   | 4945           | <b>FIRE ARMS</b> -discharge in public place.                             | 6696            |
| male preferred to in granting letters...                  | 5706           | <b>FIRE COMPANIES</b> --may be incorporated (See Corporations.)          | 3162            |
| enticing away for prostitution                            | 7103           | <b>FIRE ESCAPES</b> --shall be provided,when                             | 2410, 2411      |
| pregnant, judgment of death against                       | 7489-7491      | penalty for neglect  | 2411            |
| <b>FENCE</b> --to protect hedge-may be on highway         | 1237           | <b>FIRE GUARDS</b>   | 2401-2404       |
| notice to remove on opening highway.                      | 1223           | lands included in exempt from taxation                                   | 2401            |
| credit allowed for removing, how and when                 | 1224           | in several tracts  | 2402            |
| to be constructed by railroad company, when               | 3018-3020      | road overseers may make  | 2403            |
| burning, how punished                                     | 6890           | <b>FIRE INSURANCE</b> -(See Corporations-Insurance.)                     |                 |
| injuring or prostrating                                   | 6895           | <b>FIRE WARDENS</b> -(See Towns.)  |                 |
| <b>FERRIES</b> -operating without license...              | 6662           | <b>FISHING</b> -right of, may be held as easement                        | 2760            |
| violating bond  | 6663           | as servitude   | 2761            |
| (See Highways, Bridges and Ferries.)                      |                | <b>FIXTURES</b> -definition of   | 2681            |
| <b>FICTITIOUS</b> -name, how business to be transacted in | 4066           | who entitled to  | 3206            |
| exception in favor of foreign firm ....                   | 4067           | severed, larceny of  | 6791            |
| defendant may be designated by, when :                    | 4940           | <b>FLUME CORPORATIONS</b> --may be                                       |                 |
| person may be indicted by                                 | 7243           | formed (See Corporations.)   | 3120            |
| person, effect of instrument payable to.                  | 4468           | <b>FOOD</b> --unwholesome-sale of prohibited                             | 2246-2251       |
| <b>FIELD NOTES</b> -county board may procure              | 594            | adulteration of  | 6654            |
| to be transcribed, when                                   | 690            | tainted, selling   | 6655            |
| record of, what to show                                   | 693            | wilfully poisoning   | 6607            |
| <b>FINDER</b> --not bound to take charge of thing         | 3688           | <b>FORCE</b> --divorce from marriage obtained by (See Duress.)           | 2553, 2554      |
| taking charge, is depositary for hire...                  | 3683           | may be used to protect from injury, when                                 | 2532            |
| perjury of  | 1454           | vitiates contracts   | 3501-3514,2553  |
| voting-illegal, in organization of new county             | 6823           | when allowable by officer,parent, guardian, etc                          | 6507            |
| vessel-wilful destruction of by officers                  | 6825           | to prevent the commission of offense                                     | 7044, 7046      |
| same, by other person                                     | 6826           | encouraging another to use, a misdemeanor .                              | 6693            |
| fitting out with intent to wreck                          | 6827           | <b>FORCIBLE ENTRY AND DETAINER</b>                                       |                 |
| works of literature or art-destruction of                 | 6912           | is a misdemeanor, when   | 6693            |
| written instructions-injuring                             | 6906           | returning to possession after removal                                    | 6694            |
| must give notice to owner                                 | 3689           | in justice court (See Justice's Court.)                                  |                 |

|  | <i>Section.</i> |
|--|-----------------|
| <b>FORECLOSURE</b> -of mortgage on real property, two methods        | 4373            |
| in case of removal from county                                       | 4387            |
| By ACTION  | 5430-5448       |
| where to be brought  | 5130, 5514      |
| judgment in, includes what   | 5431, 5433      |
| possession to purchaser in one year..                                | 5431            |
| execution for unpaid balance of debt.                                | 5431            |
| action of, exclusive of all others                                   | 5432            |
| other surety for same debt maybe joined as defendant                 | 5433            |
| complaint in, to state what  | 5434            |
| previous judgment, effect of   | 5435            |
| sale in, by whom made  | 5436            |
| where made   | 5436            |
| how made ..  | 5144            |
| sheriff's certificate of sale  | 5148, 5437      |
| deed at expiration of one year.                                      | 5160, 5423      |
| overplus of proceeds of sale   | 5438, 5438,5439 |
| action dismissed on payment of installments due                      | 5440, 5441      |
| mortgaged premises to be sold in parcels, when ...                   | 5442, 5443      |
| whole premises to be sold, when                                      | 5444            |
| successive judgments and sales in...                                 | 5443            |
| rebate of undue part of debt   | 5445            |
| appeals in, same as in other cases...                                | 5446            |
| redemption in  | 5447            |
| court may restrain party in possession                               |                 |
| from injuring mortgaged premises .                                   | 5448            |
| guardian ad litem may be appointed in                                | 4875            |
| summons in, by publication, when...                                  | 4900            |
| receiver may be appointed in   | 5015            |
| may be had on property in administration                             | 5790            |
| BY ADVERTISEMENT   | 5411-5424       |
| requisites of proceeding   | 5412            |
| transfer to district court, when and how                             | 5411            |
| separate installments foreclosed separately                          | 5413            |
| notice of, must be by publication                                    | 5414            |
| to contain what  | 5415            |
| manner of sale   | 5416            |
| postponement of sale   | 5417            |
| distinct tracts sold separately                                      | 5418            |
| mortgagee may purchase   | 5419            |
| certificate of sale  | 5420            |
| to contain what  | 5420            |
| who may redeem   | 5421            |
| notice of intention, to officer                                      | 5422            |
| officer making sale makes deed                                       | 5423            |
| overplus payable to mortgagor  | 5424            |
| mortgagee entitled to attorney's fees,                               |                 |
| costs, and disbursements, when....                                   | 5429            |
| of mortgage on personal property                                     | 4373-4378       |
| notice, what to contain  | 4374            |
| posting  | 4375            |
| mortgagee maybe purchaser  | 4376            |
| attorney's fee   | 4377            |
| transferred to court on counter claim                                | 4373            |
| lien-mechanic's  | 5481            |
| of innkeeper, etc  | 5496            |
| for seed grain   | 5494            |
| <b>FOREIGN BILLS</b> -of exchange (See<br><i>Bill of Exchange.</i> ) | 4549-4561       |
| <b>FOREIGN CORPORATION</b> -power and<br>liabilities of              | 3190-3192       |
| property may be attached, when<br>(See <i>Corporations.</i> )        | 4993            |
| <b>FOREIGN LAWS</b> -how proved                                      | 5302            |
| acts punishable under  | 6936            |
| convictions under, effect of   | 6937, 6937,6936 |

|  | <i>Section.</i>  |
|--|------------------|
| <b>FOREIGN WILL</b> -probate of                      | 5677-5679        |
| <b>FORFEITURE</b> -agreement for, when void ..       | 4331             |
| relief to be given against                           | 4573             |
| not specifically enforced                            | 4623             |
| of office, a mode of punishment                      | 6202             |
| for executing functions without qualifying           | 6296             |
| for asking or receiving bribes                       | 6300             |
| for taking reward for deputation ....                | 6309             |
| by membereof legislature                             | 6325             |
| by judges receiving bribes                           | 6327             |
| by officer who steals, destroys or mutilates records | 6348             |
| for purchasing demands or suits                      | 6398             |
| for procuring loans or claims for collection         | 6398             |
| for neglect to inform of prize fight...              | 6692             |
| of license as attorney                               | 6932             |
| of bail  | 7611             |
| judgment of, how taken                               | 7611             |
| district attorney to prosecute recovery of           | 7611             |
| action for, limitation of                            | 4851, 4852, 4855 |
| place of trial of                                    | 4889             |
| of property to territory                             | 5361             |
| conviction for crime does not cause..                | 6958             |
| of estate and eviction of occupant                   | 5466             |
| judgment of against corporations                     | 5357             |
| exemptions of, limited                               | 5140             |
| action for, in justice's court                       | 6042             |
| to inure to prisoner, when                           | 7854             |
| by toll gatherer, for overcharge                     | 3032             |
| by finder for neglect to notify owner...             | 3689             |
| of interest by taking usury                          | 3723             |
| of wages by mate or seaman                           | 3822             |
| stipulated as penalty, void                          | 3579, 3579,4573  |
| relief against, how and when                         | 3579             |
| no civil remedy to enforce                           | 4623             |
| not released by repeal of statute                    | 4767             |
| conditions involving, how interpreted.               | 3435             |
| of corporate franchise by non-user                   | 3123             |
| of bridge company by delay                           | 3128             |
| neglect to reconstruct                               | 3129             |
| of contracts for in liens, void                      | 4331             |
| actions for in justice's court                       | 6042             |
| <b>FORGED INSTRUMENTS</b> -offering for record       | 6350             |
| <b>FORGERY AND COUNTERFEITING</b> ..                 | 6749-6779        |
| of wills and deeds                                   | 6749             |
| public securities                                    | 6750             |
| public and corporate seals                           | 6751             |
| records and official returns                         | 6752             |
| entries in books of record                           | 6753,6766        |
| false certificates of acknowledgment...              | 6754             |
| making false bank note plates                        | 6755             |
| what constitutes imitation of genuine plate          | 6756             |
| sale of forged evidences of debt                     | 6757             |
| having forged evidences in possession.               | 6758             |
| having other forged instruments                      | 6759             |
| issuing spurious evidences of debt                   | 6760             |
| reissuing canceled certificates of stock             | 6761             |
| issuing false evidence of debt of a corporation      | 6762             |
| counterfeiting coin to circulate in the territory    | 6763             |
| for export ....                                      | 6764             |
| forging process of court:                            | 6765             |
| instrument affecting right of property               | 6765             |
| passage tickets                                      | 6767             |
| United States stamps                                 | 6768             |
| false entries in corporate books                     | 6769             |
| by employe to deceive employer...                    | 6770             |

# INDEX.

|  | Section.         |   | Section.        |
|--|------------------|---|-----------------|
| <b>FORGERY AND COUNTERFEITING</b> <i>Continued.</i>            |                  | <b>FORMS</b> -oath- <i>Continued.</i>                     |                 |
| having counterfeit coin in possession..                        | 6771             | city officers   | 895             |
| uttering forged instrument or coin                             | 6773             | imprisoned debtor   | 5457            |
| when received for valuable consideration                       | 6774             | members of the legislature                                | 7               |
| signing one's own name as act of another of same name          | 6775             | judges and clerks of election                             | 1447            |
| indorsing  | 6775             | challenged voter  | 1453            |
| erasure and obliteration of instruments with intent to defraud | 6777             | attorney at law   | 463             |
| signing evidence of debt with fictitious name                  | 6779             | assessor to assessment roll                               | 1548            |
| forgery, punishment  | 6772             | owner to assessment roll                                  | 1554            |
| indictment for   | 7255             | patent for railroad corporation                           | 2972            |
| proof of   | 7404             | pleas-to indictment                                       | 7303            |
| <b>FORM</b> -of notice of dishonor                             | 4500             | subpcena-in criminal actions                              | 7531            |
| regarded less than substance                                   | 4715             | duces tecum   | 7532            |
| of actions abolished   | 4830             | summons-on corporation in criminal actions                | 7580            |
| of pleadings abolished   | 4830             | search warrant  | 7618            |
| defect of, in petition does not avoid probate                  | 5661             | return of   | 7625            |
| <b>FORMS</b> affidavit of official per diem account..          | 1439             | sale book-of county treasurer                             | 1625            |
| assessor's oath to assessment roll                             | 1551             | tax receipt and duplicate of county treasurer             | 1600            |
| assessor-return of taxable lands                               | 1582             | tax list and duplicate                                    | 1595            |
| of town and city lots  | 1582             | verdict-general-in criminal actions..                     | 7421            |
| of personal property   | 1582             | of coroner's jury   | 670             |
| bench warrant  | 7230, 7268, 7461 | warrant book-of county treasurer....                      | 1647            |
| when bail is permitted   | 7269, 7270       | warrant of arrest   | 7121            |
| certificate-to poll books                                      | 1467             | indorsement on, when issued to another county             | 7126            |
| of acknowledgment  | 3288             | discharging defendant                                     | 7173            |
| of tax sale by county treasurer                                | 1626             | holding defendant   | 7175            |
| of discharge of imprisoned debtor.                             | 726, 5548        | if not bailable   | 7176            |
| county clerk's indorsement on school house bond                | 1910             | if bailable   | 7177            |
| cash book of county treasurer                                  | 1606             | if bail not furnished                                     | 7178            |
| discharge of mortgage on margin of record                      | 4362             | of commitment for examination..                           | 7167            |
| deed, warranty   | 3614             | of commitment to answer indictment                        | 7180            |
| for land sold by city for special assessment                   | 990              | in justices' courts                                       | 6148            |
| tax  | 1639             | for coroner's jury  | 665             |
| deputy sheriff's acknowledgment of sheriff's                   | 5162             | <b>FRANCHISE</b> -usurpation of, etc                      | 5348            |
| district clerk's indorsement on school house bond              | 1895             | penalty for   | 5356            |
| grant of real property   | 3247             | when collected to be paid into territorial treasury       | 5356            |
| letters testamentary.  | 5702             | <b>FRAUD</b> -divorce on account of                       | 2553, 2553,2554 |
| of administration with the will annexed..                      | 5703             | instruments in execution of power, how affected by        | 2850            |
| in case of intestacy   | 5704             | will procured by, may be denied probate                   | 3506            |
| mortgage-of real property                                      | 4366             | in obtaining contract, defined                            | 3502            |
| of personal property   | 4372             | actual defined  | 3507            |
| notice of election   | 1444             | constructive, defined                                     | 3508            |
| in unorganized county  | 511              | a question of fact, when                                  | 3509            |
| of establishment of ditch for drainage of highway              | 1335             | contract prevented from being put in                      |                 |
| of levy by school board  | 1744             | writing by, may be enforced, when...                      | 3543            |
| of assessment of stock of corporations                         | 2947             | error in contract caused by, to be corrected              | 3555            |
| declaring stock of corporations delinquent                     | 2949             | contract exempting from responsibility for, void          | 3578            |
| numerical index  | 627              | consent obtained by, may be rescinded                     | 3589            |
| oath-of petit jurors   | 5046             | certain agreement does not take away right to rescind for | 3590            |
| jury in criminal actions in justices'courts                    | 6159             | thing gained by, held in trust                            | 3920            |
| bailiff in criminal actions in justice's court                 | 6162             | certain transactions of trustee deemed                    | 3927,3928       |
| foreman of grand jury  | 7205             | agent cannot have authority to commit                     | 3968            |
| other grand jurors   | 7206             | interest may be given in case of                          | 4578            |
| coroner's jury   | 666              | exemplary damages may be given in case of                 | 4580            |
| witnesses-generally  | 5276             | limitation of action founded on                           | 4850            |
| before coroner's jury  | 668              | rights of action accruing in case                         | 4850            |
| interpreters   | 5316             | arrest for, in civil action                               | 4945            |
|  |                  | ground for contesting probate of will..                   | 5671            |
|  |                  | after probate   | 5680            |
|  |                  | by executors and administrators in sale of real estate..  | 5855            |
|  |                  | in sale renders liable                                    | 5935            |
|  |                  | by decedent in conveying realty, howcorrected             | 5014            |
|  |                  | in partnership affairs, a misdemeanor                     | 6626            |

# INDEX.

|  | Section.   |   | Section.        |
|--|------------|---|-----------------|
| <b>FRAUD-Continued.</b>  |            | <b>FUGITIVES FROM JUSTICE-criminalContinued.</b>            |                 |
| to affect market price   | 6672       | may be committed for a reasonable time                      | 7638            |
| destruction of property insured                                      | 6829,6830  | may be admitted to bail                                     | 7639            |
| fitting out vessels to defraud insurer...                            | 6825       | may be incarcerated in county jail...                       | 7837            |
| conveyances, a misdemeanor   | 6837       | cannot be delivered to authorities of                       |                 |
| removal of property  | 6838       | other state for twenty-four hours after arrest              | 7644            |
| bankruptcy, a misdemeanor  | 6837-6840  | penalty for unlawful delivery                               | 7645            |
| issue of documents of title to merchandise                           | 6866-6872  | notice of arrest given to district attorney                 | 7640            |
| in management of corporations ...                                    | .6841-6861 | notice to state or territory having jurisdiction            | 7641            |
| <b>FRAUDULENT</b> -instrument, when void                             |            | discharge, when   | 7642            |
| against purchasers, etc  | 3298       | magistrate must make return to district court               | 7643            |
| when not   | 3299       | expenses of foreign arrests                                 | 7646            |
| when void against creditors, etc....                                 | 4656       | compensation-of persons employed to make arrests            | 7647            |
| can be avoided by judgment credit or only                            | 4658       | receiving other than allowed bylaw is a misdemeanor         | 7648            |
| intent a question of fact  | 4659       | accepting irregular for return of....                       | 6306            |
| omission to communicate certain facts,avoids insurance               | 4127       | <b>FUNERALS</b> -disturbing                                 | 6564            |
| representation avoids marine insurance                               | 4199       | <b>FUTURE ESTATES</b> -in real property, what allowed       | 2740-2754       |
| breach of duty, no relief against forfeiture incurred by             | 4573       | how designated  | 2741, 2741,2742 |
| dispossession disregarded, when                                      | 4705       | (See Real Property-Remainder-Reversion.)                    |                 |
| conveyance, actions to set aside by executors or administrators      | 5868       | <b>FUTURE INTEREST</b> -defined                             | 2698            |
| <b>FREE</b> -consent to marriage, must be....                        | 2553       | how passes  | 2707            |
| to contract must be  | 3500       | none except those herein defined                            | 2711            |
| may be rescinded if not  | 3501       | suspending alienation, void                                 | 2718            |
| <b>FREEHOLD</b> -defined   | 2738       | how defeated  | 2727, 2728      |
| how created  | 2746       | when not defeated   | 2729, 2729,2730 |
| estate for life is   | 2739       | contingent on death without issue, etc., takes effect, when | 3240            |
| malicious injuries to  | 6894       | lien upon   | 4328            |
| <b>FREIGHT</b> -defined  | 3843       | (See Property.)   |                 |
| whose directions govern delivery of....                              | 3846       | <b>GAMBLING</b>   | 6589-6602       |
| must not be stowed on deck, without leave of consignor               | 3847       | keeping apparatus for, unlawful                             | 6589            |
| where to be delivered  | 3848, 3849 | punishment for  | 6590            |
| notice of arrival of, when necessary....                             | 3850       | is a nuisance   | 6591            |
| may be stored by carrier, when                                       | 3851       | forfeiture for exacting payment of money won at....         | 6592            |
| bill of lading for   | 3852       | keeping establishment for                                   | 6594            |
| freightage for, payable when   | 3862       | tables for  | 6595            |
| by whom....  | 3862       | implements, seizure of, ordered                             | 6596            |
| apportionment of   | 3866       | to be destroyed   | 6597, 6597,6598 |
| may be sacrificed, when  | 3871       | persuading person to visit place for....                    | 6599            |
| (See Average - Bill of Lading - Cargo -Carriage-Carrier-Freightage.) |            | duty of officers to inform against                          | 6600            |
| <b>FREIGHTAGE</b> -defined   | 3856       | on board vessels  | 6601            |
| when payable ....  | 3862       | on saloon premises  | 2203            |
| consignor, when liable for   | 3863       | racing animals for wager....'                               | 6602            |
| consignee, when liable for   | 3864       | on Sunday   | 6244            |
| not chargeable on increase of freight..                              | 3865       | near religious meeting                                      | 6254            |
| apportionment of, by contract  | 3866       | board of trustees may suppress                              | 1043            |
| by operation of law  | 3867       | <b>GAME</b>   | 2366-2391       |
| according to distance  | 3868       | birds-protection of   | 2366-2378       |
| extra, when not allowed  | 3869       | certain, unlawful to kill, when                             | 2366            |
| lien for   | 3870       | unlawful to kill for traffic at any time                    | 2367            |
| ship's manager cannot give up  | 4026       | to have in possession                                       | 2368            |
| how valued on general average  | 3874       | restrictions upon shipments                                 | 2369            |
| meaning of, in insurance, defined                                    | 4190       | penalty   | 2370            |
| who has insurable interest in  | 4191, 4192 | liability of transportation companies.                      | 2371            |
| hypothecation of, by bottomry....                                    | 4418, 4422 | certain methods of killing,unlawful at any time ....        | 2372            |
| <b>FRIVOLOUS PLEADINGS</b> - may be stricken out                     | 5026       | prosecutions where brought                                  | 2373            |
| <b>FRUIT TREES, ETC.</b> -injuries to...                             | 6894, 6899 | appointment of attorney to prosecute                        | 2374            |
| <b>FUEL</b> -transportation of                                       | 153,154    | unlawful to kill quail before March 5,1889                  | 2375            |
| for one year allowed to family                                       | 6328       | penalty   | 2376            |
| <b>FUGITIVES FROM JUSTICE</b>  | 7634-7648  | jurisdiction of justices of the peace..                     | 2377            |
| criminal-governor may offer reward for                               | 7634       | duties of sheriffs and constables to cause arrest           | 2378            |
| delivery of on requisition   | 7635       | I large game-protection of                                  | 2379-2384       |
| warrant to be issued for   | 7636       |   |                 |
| proceedings for arrest and commitment of                             | 7637       |   |                 |

# INDEX.

|   | Section.         |  | Section.      |
|---|------------------|--|---------------|
| <b>GAME</b> -large- <i>Continued.</i>   |                  | <b>GOODS</b> -warranty of- <i>Continued.</i>                     |               |
| unlawful to kill buffalo, deer, antelope,                                       |                  | with mark of quality or quantity attached                        | 3637          |
| etc., at certain times  | 2379             | defined  | 6617          |
| penalty   | 2380             | lost-concealment of  | 6929          |
| unlawful to ship out of territory   | 2381             | carrying out of territory  | 6929          |
| penalty   | 2382             | wrecked, stealing of   | 6792          |
| unlawful to leave lying on prairie....  | 2383             | (See Lost Goods.)  |               |
| penalty   | 2384             | <b>GOOD WILL</b> -of business defined                            | 3200          |
| beaver-protection of  | 2385, 2386       | is property  | 2676, 3201    |
| unlawful to kill before March 11, 1892  | 2385             | seller of, may agree not to carry on same business in the county | 3584          |
| penalty   | 2386             | implied warranty on sale of                                      | 3640          |
| fish, protection of   | 2387-2391        | partner may not dispose of                                       | 4045          |
| capturing, except with hook and line prohibited                                 | 2387             | <b>GOVERNOR</b> -(See the Organic Law.)                          |               |
| certain varieties of, protected during certain months                           | 2388             | member of territorial board of equalization                      | 1588          |
| penalty for violating law   | 2389             | of territorial board of canvassers                               | 1474          |
| fishways  | 2390, 2391       | of board of trustees of public property                          | 127           |
| must be erected and maintained by owners of dams                                | 2390             | ex-officio of board of regents of university of north Dakota     | 298           |
| to be built by county commissioners, when                                       | 2391             | transmits annual report of                                       | 303           |
| right of taking, may be held as easement (See Easement.)                        | 2760             | of board of regents of agricultural                              |               |
| <b>GARNISHMENT</b> (See Attachment.)  |                  | college and experimental station                                 | 313           |
| <b>GENERAL AVERAGE</b> --defined  | 3871             | commander-in-chief of militia (See Militia.)                     | 1921          |
| how calculated  | 3874-3876        | pardons, reprieves, commutations, etc., when                     | 7595          |
| cargo on deck, when entitled to benefit of                                      | 3877             | may suspend* execution in* cases of treason                      | 7596          |
| insurer liable for..  | 4224, 4224, 4251 | must report to legislature                                       | 7597          |
| (See Average- Carrier-Insurance.)   |                  | may require statements, of whom....                              | 7598          |
| <b>GIFT</b> -defined ..   | 3260, 6331       | Inay make rules for pardon                                       | 7602          |
| how to be made  | 3261             | can suspend judgment of death, when                              | 7473          |
| ordinary, not revocable   | 3262             | may require opinion of judges regarding execution                | 7472          |
| in view of death, defined   | 3263             | orders execution of death penalty, when                          | 7488, 7491    |
| when gift presumed to be  | 3264             | may offer reward for criminal                                    | 7634          |
| may be revoked  | 3265             | fills vacancies in territorial and district offices              | 1392          |
| when deemed revoked   | 3265             | removes public examiners   | 117           |
| effect of will upon   | 3266             | commissioner of immigration                                      | 110           |
| to be treated as legacy, when   | 3267             | calls additional police, when                                    | 7071          |
| certain words in a will, when words of.   | 3360             | out the militia, when  | 1959          |
| effect of words of, in a will   | 3361             | upon United States military, when...                             | 7072          |
| deemed an ademption of legacy, when.  | 3377             | election on petition for organization of county                  | 511           |
| accepting from parties to litigation.   | 6330, 6331       | orders special election to fill vacancy                          |               |
| <b>GIFT ENTERPRISE</b> (See Lottery.)   |                  | in legislative assembly  | 1476, 1477    |
| <b>GLANDERS</b>   | 2340-2344        | new election for delegate to congress, when                      | 1474          |
| keeping glandered animals a misdemeanor   | 2330-2340        | issues certificate of election                                   | 1474          |
| complaint to justice of the peace   | 2341             | makes contract for education of blind persons                    | 272           |
| notice issued to person owning animal.  | 2341             | approves insurance of public buildings                           | 403           |
| trial of the fact by jury of six  | 2341             | duties pertaining to contagious diseases among live stock        | 2320          |
| justice may order animals to be killed.   | 2342             | clerical assistance to be furnished by territorial auditor       | 83            |
| penalty for disobeying order  | 2343             | appoints-territorial auditor                                     | 68            |
| fee of officer or person executing order  | 2343             | territorial treasurer  | 84            |
| record of proceedings to be kept  | 2344             | superintendent of public instruction                             | 1688          |
| justice shall certify costs to county commissioners                             | 2344             | territorial board of education                                   | 1688          |
| (See Domestic Animals.)   |                  | attorney general   | 95            |
| <b>GOOD FAITH</b> -defined  | 4739             | commissioner of immigration                                      | 104           |
| offer of performance must be made in..  | 3466             | veterinary surgeon   | 2320          |
| highest required of trustee   | 3921             | public examiners   | 117, 117, 118 |
| of partner  | 4037             | militia officers   | 1921, 1922    |
| principal bound by ostensible authority only to persons acting in               | 3994             | notaries public  | 494           |
| agent not bound by act believed in, to be within authority                      | 4000             | territorial commissioners  | 489           |
| must be indemnified for advance made in, when                                   | 4001             | county commissioners, when                                       | 540           |
| partner not bound by act not in, except to persons acting                       | 4046             | board of commissioners of public property                        | 129           |
| (See Fraud Incumbrancer-Purchaser-In-dorsement-Negotiable Instrument- Trustee.) |                  | railroad commissioners   | 137           |
| <b>GOODS</b> -sold by sample, warranty of....                                   | 3630             |  |               |



# INDEX.

|  | Section. |  | Section.        |
|--|----------|--|-----------------|
| <b>GOVERNOR</b> -appoints-board-Continued.                 |          | <b>GRAND JURY</b> -challenge-Continued.            |                 |
| of health, two members                                     | 192      | violation of law                                   | 7200            |
| dental examiners   | 209      | must be made before oath                           | 7201            |
| of pharmacy  | 220      | special-may be ordered, when                       | 7202            |
| of trustees of insane hospitals                            | 235      | can act only in particular case                    | 7203            |
| of school for deaf mutes                                   | 262      | foreman of, court appoints                         | 7204            |
| of school of mines   | 388      | oath to  | 7205            |
| of reform school   | 7769     | may administer oath to witness                     | 7204            |
| of directors of Vermillion university                      | 282      | to present presentment                             | 7227            |
| of Bismarck penitentiary                                   | 7723     | oath to other grand jurors                         | 7206            |
| of Sioux Falls penitentiary                                | 7665     | must be discharged by court                        | 7207            |
| of regents of Grand Forks university,                      | 298      | must retire and inquire into offenses..            | 7208            |
| of agricultural college                                    | 313      | may appoint clerk                                  | 7209            |
| of education of Madison normalschool                       | 332      | discharge of                                       | 7210            |
| of Spearfish normal school                                 | 351      | powers and duties-general                          | 7211            |
| of Springfield normal school                               | 369      | what evidence received by                          | 7215,7216       |
| (See Officers.)  |          | is not bound to hear evidence for defendant .      | 7217            |
| <b>GRACE</b> -days of                                      | 4524     | to find indictment, when                           | 7218            |
| <b>GRAIN</b> -transportation of                            | 146      | member of, to give testimony, when..               | 7219            |
| handling and inspection (See Grain it's warehouses.)       |          | may inquire into what                              | 7220            |
| in stack or growing, burning of                            | 6890     | has access to prisons                              | 7221            |
| injuries to  | 6896     | may ask advice of court or district attorney       | 7222            |
| <b>GRAIN WAREHOUSE</b> -railroad commission to supervise   | 156-157  | proceedings to be kept secret                      | 7223            |
| rules and regulations of, to be printed                    | 158      | disclosure of, a misdemeanor                       | 6419            |
| to obtain license  | 160      | when juror may disclose                            | 7224            |
| pooling in purchase and storage of                         |          | juror cannot be questioned as to vote              | 7225            |
| grain prohibited   | 160      | charge-dismissal of                                | 7234            |
| penalty for..  | 160      | resubmission of                                    | 7235            |
| license, bond and fee for                                  | 161      | subpcena for, issued by district attorney          | 7528            |
| penalty for failure to procure                             | 162      | to make presentment of officers for removal        | 7081,7093       |
| receipts to be given for storage of grain                  | 163      | may indict corporation                             | 7584            |
| duty of warehouseman upon return of                        | 164      | jails-charged in relation to                       | 7795            |
| how canceled   | 171      | shall visit  | 7796            |
| regulations regarding shipment of grain stored             | 164      | shall inspect prisoners                            | 7796, 7796,7830 |
| warehouseman to furnish statement of business              | 165      | shall make inquiry into violations of              |                 |
| publish schedule of rates                                  | 172      | liquor law   | 2222            |
| commissioners shall inspect                                | 166      | (See Indictment-Jurors-Presentment.)               |                 |
| establish and publish grade                                | 167      | <b>GRAND LARCENY</b> -(See Larceny.)               | 6780-6795       |
| sample of to be kept by warehouse                          | 170      | <b>GRANT</b> -defined                              | 3228            |
| bonds required by law to be filed with territorial auditor | 174      | takes effect from delivery                         | 3229            |
| unlawful combinations prohibited                           | 175      | when presumed to have been delivered               | 3230            |
| penalty for  | 176      | delivery of, in escrow                             | 3232            |
| <b>GRAND ARMY BADGES</b> - unlawfulwearing of, penalty     | 6818     | cannot be made to grantee                          | 3231            |
| disposition of fine  | 6819     | when constructively delivered                      | 3234            |
| <b>GRAND JUROR</b> -acting- after challenge allowed        | 6404     | interpretation of                                  | 3235-3241       |
| must not disclose indictments                              | 6418     | of limitation in                                   | 3236            |
| <b>GRAND JURY</b> -definition of                           | 7190     | by aid of recitals                                 | 3237            |
| how ordered  | 444      | against grantor                                    | 3238            |
| new  | 4616     | of irreconcilable clauses in                       | 3239            |
| number of  | 445      | of "heirs," "issue," etc., In                      | 3240            |
| how drawn in counties without township organization        | 446-450  | words of inheritance, etc., not necessary in       | 3241            |
| with township organization                                 | 451-459  | of power, how made                                 | 2825            |
| in judicial subdivisions                                   | 460-461  | of life estate passes power of owner to make lease | 2858            |
| formation of, how completed                                | 7191     | of corporate power subject to repeal...            | 2891            |
| twelve jurors may find indictment                          | 7192     | must be accepted                                   | 2898            |
| must concur in   | 7233     | acceptance of, how proved                          | 2899            |
| challenge-who may, panel or individual juror               | 7193     | necessary incidents implied in                     | 4709            |
| causes for, to panel                                       | 7194     | of read property must be by law or in writing      | 3245            |
| if allowed, jury discharged                                | 7195     | need not be sealed                                 | 3246            |
| to individual juror  | 7196     | should be acknowledged or attested.                | 3246            |
| may be oral or written                                     | 7197     | form of  | 3247            |
| allowance or disallowance                                  | 7198     | what easements pass by                             | 3248            |
| effect of  | 7199     | what covenants implied in                          | 3249            |
|  |          | against whom conclusive                            | 3250            |
|  |          | purporting to convey greater estate than           |                 |
|  |          | grantor had, void only as to excess                | 3251            |

# INDEX.

|  | Section.  |   | Section.         |
|--|-----------|---|------------------|
| <b>GRANT-Continued.</b>                                  |           | <b>GUARANTY- Continued.</b>                             |                  |
| passes grantor's title to highway in front               | 3252      | when acceptance necessary to validity of                | 4278             |
| valid without attornment of tenant....                   | 3253      | interpretation of                                       | 4279-4282.       |
| may be recorded (See Record of Instruments.)             | 3268      | of incomplete contract                                  | 4279             |
| void against subsequent purchaser, etc.,                 |           | that obligation is good or collectible.                 | 4280             |
| unless recorded  | 3293      | that obligation is good, not discharged                 |                  |
| intended to defraud purchasers, etc.,                    |           | by harmless omission to sue                             | 4281             |
| void against them ....                                   | 3298      | when broken by principal leaving the territory          | 4282             |
| adversely possessed, void                                | 3303      | when deemed unconditional                               | 4283             |
| redelivery of, does not revest title                     | 3233      | may be enforced without demand or notice, when          | 4284             |
| intended as mortgage, must be so recorded                | 3363      | of conditional obligation, effect of                    | 4285             |
| defeasance of must be recorded                           | 3364      | continuing, defined                                     | 4288             |
| (See Transfer.)  |           | may be revoked, when                                    | 4289             |
| by territory, void as a cause of action..                | 4835      | letter of credit, when deemed                           | 4318             |
| may be recovered by territory or subsequent grantee      | 4836      | party to, liability of, not greater than principal's    | 4286             |
| of property adversely held, void                         | 6388      | where principal contract void                           | 4287             |
| <b>GRANTOR</b> -may reserve power                        | 2826      | not restored by rescission of agreement exonerating     | 4292             |
| of power defined   | 2815      | reduced by partial satisfaction of principal obligation | 4293             |
| who may be   | 2823      | exonerated by certain dealings with principal           | 4290             |
| directions of, how far binding                           | 2838      | not exonerated by void promise, etc ....                | 4291             |
| reserving absolute power of revocation, deemed owner     | 2857      | by mere delay .   | 4294             |
| <b>GRATUITOUS DEPOSIT</b> -defined and                   |           | by release of principal, when                           | 4295             |
| regulated (See Deposit.)                                 | 3677-3680 | by legal discharge of principal                         | 4296             |
| <b>GUARANTEE</b> -must give notice of ac                 |           | (See Letter of Credit-Surety.)                          |                  |
| ceptance of offer to guaranty                            | 4278      | <b>GUARDIAN</b> -and ward, relations of                 | 2652-2694        |
| when guarantor liable to                                 | 4284      | definition of   | 2632, 2632, 2633 |
| certain dealings of, with principal, exonerate guarantor | 4290      | general what  | 2635.            |
| guarantor not exonerated by voidable promise             | 4291      | special, what   | 2636.            |
| by delay of  | 4294      | of the person, by whom appointed                        | 2637             |
| with indemnity, not exonerated by                        |           | of property, by whom appointed                          | 2637             |
| dealings of, with principal                              | 4295      | who has control over                                    | 2641             |
| partially exonerated by partial payment to               | 4293      | rules for appointment of                                | 2638-2642        |
| (See Creditor - Guarantor - Guaranty-Surety.)            |           | powers of   | 2638-2644        |
| <b>GUARANTOR</b> -may become such with                   |           | of person, duties of                                    | 2645             |
| out consent of principal                                 | 4274      | of property, duties of                                  | 2646             |
| must sign warranty                                       | 4276      | relation of, confidential                               | 2647             |
| notice to, acceptance of guaranty, when necessary        | 4278      | may be controlled by court                              | 2648             |
| of performance liable without notice...                  | 4284      | power of joint, continues to survivor...                | 2649             |
| of conditional obligation, liability of ...              | 4285      | for what causes may be removed                          | 2650             |
| not liable for more than principal                       | 4286      | power of, how superseded                                | 2651, 2651, 2652 |
| on unlawful contract of principal                        | 4287      | settlement of accounts of                               | 2653             |
| liable notwithstanding personal disability of principal  | 4287      | when entitled to discharge                              | 2654             |
| may revoke continuing guaranty, when                     | 4289      | appointment of, by court, supersedes parent .           | 2610             |
| exonerated by certain acts of creditor..                 | 4290      | may consent to apprenticeship of ward, when             | 2657, 2657, 2658 |
| liability of, not restored by rescission, when           | 4292      | may defend ward by force                                | 2532             |
| reduced in same degree as that of principal              | 4293      | necessary to legal proceedings by minor                 | 2524             |
| not exonerated by delay                                  | 4294      | relations concerning corporation                        |                  |
| by dealings with debtor, if indemnified                  | 4295      | stock 2910, 2910, 2979                                  |                  |
| by discharge of debtor by law                            | 4296      | may give releases of land for railroad purposes, when   | 3002             |
| surety has all rights of                                 | 4304      | appointed by probate court                              | 2639             |
| exonerated in like manner with                           | 4303      | control of  | 2641             |
| indorser has rights of                                   | 4484      | removal of  | 2533             |
| (See Guaranty-Surety.)                                   |           | of minors   | 5983-5995        |
| <b>GUARANTY</b> - defined                                | 4273      | of persons and estates of                               | 5983             |
| knowledge of principal not necessary to                  | 4274      | nominations, when                                       | 5984, 5984, 5986 |
| how created  | 4276      | appointment   | 5983-5986        |
| consideration, when necessary to                         | 4275      | father or mother entitled to                            | 5987             |
| need not be expressed in                                 | 4276      | custody of ward   | 5988             |
| must be in writing                                       | 4276      | ceases at majority or marriage                          | 5989             |
| when promise to answer for another not deemed            | 4277      | bond, conditions of                                     | 5990, 5990, 6035 |
|  |           | letters   | 5990             |
|  |           | care, treatment and education                           | 5991             |

# INDEX.

|   | Section.   |  | Section.          |
|---|------------|--|-------------------|
| <b>GUARDIAN</b> -of minors- <i>Continued.</i>             |            | <b>GUARDIAN AD LITEM</b> - <i>Continued.</i>           |                   |
| record of letters and bond                                | 5992       | receives service of process, pleadings, and notices    | 4875              |
| extra expenses of ward                                    | 5993       | liable personally for costs, when ...                  | 4876, 5200        |
| testamentary  | 5994       | appointed for infant in justice's court..              | 6052              |
| ad litem not affected                                     | 5995       | <b>GUIDE POSTS</b> -townships to erect and maintain    | 820-821           |
| lawful acts not affected by reversal on appeal            | 5982       | injuring or removing, is misdemeanor..                 | 6878              |
| of insane or incompetent persons. .                       | 5996-5999  | <b>GUNPOWDER</b> -blowing up building with             | 6892              |
| petition for appointment                                  | 5996       | endangering human life by attempted use of             | 6893              |
| hearing on  | 5997       | keeping of, in city or village                         | 6635              |
| powers  | 5998       | is manslaughter when                                   | 6460              |
| bond  | 5998,6035  | <b>HABEAS CORPUS</b>                                   |                   |
| proceedings to declare restoration of                     |            | writ-who may apply for                                 | 7839,7840         |
| insane or incompetent person                              | 5999       | application, issue, service and returnof               | 7839              |
| powers and duties-general                                 | 6000-6008  | who may issue  | 7857              |
| payment of debts  | 6000       | person not held under criminal charge                  | 7840              |
| sales of real estate                                      | 6000       | insane person entitled to                              | 2195              |
| collect all debts due ward                                | 6001       | concealment of person entitled to....                  | 6630              |
| appear in all legal proceedings                           | 6001       | aiding in same   | 6631              |
| management of estate                                      | 6002       | hearing of   | 7841              |
| maintenance and support                                   | 6003       | second-proceedings on                                  | 7843              |
| assent to partition of real estate                        | 6004       | power of judge under                                   | 7844              |
| inventory and account of estate                           | 6005       | discharged on, shall not be again committed, unless    | 7845              |
| settlement at end of year                                 | 6006       | shall not delay trial                                  | 7847              |
| account by joint guardian                                 | 6007       | neglect of duty in granting, penalty..                 | 7849              |
| compensation  | 6008       | refusal to execute and return                          | 7850              |
| sales   | 6009-6024  | removing or concealing prisoner -to avoid              | 7851              |
| cause   | 6002,6009  | recognizance with security given, when                 | 7842              |
| for investment  | 6010       | commitment, copy of to prisoner, when                  | 7852              |
| proceeds applied how                                      | 6000, 6011 | penalty for refusal                                    | 7852              |
| investment made how                                       | 6012       | prisoner-shall not be removed from one jail to another | 7848              |
| petition  | 6013       | re-arresting in same cause-penalty..                   | 7853              |
| hearing on  | 6014       | when again remanded                                    | 7843              |
| order served on whom                                      | 6015       | discharged, when                                       | 7841              |
| hearing on ...  | 6016       | for want of prosecution, when                          | 7846              |
| attendance of witnesses                                   | 6017       | penalties go to person aggrieved                       | 7854              |
| costs when order objected to                              | 6018       | fugitive from justice-proceedings in case of           | 7644              |
| contents of   | 6019       | <b>HANDWRITING</b> -proof of, in will                  | 5673              |
| bond by guardian ...                                      | 6020       | in execution of instruments                            | 3285              |
| law relating to executors and administrators applicable   | 6021       | <b>HEALTH</b> - board of (See Board of Health.)        |                   |
| order in force one year                                   | 6022       | violation of laws, how punished                        | 6643              |
| terms-security  | 6023       | officer-obstructing in performance of duty             | 6642              |
| order to invest proceeds                                  | 6024       | landing of vessel before visit of                      | 6639              |
| non-resident  | 6025-6031  | (See Quarantine.)                                      |                   |
| appointment of guardian for                               | 6025       | <b>HEDGES</b> -protection of                           | 1237              |
| powers same as in other cases                             | 6026       | <b>HEIRS</b> -the word not necessary to passa fee...   | . 3241, 3241,3255 |
| must give bond  | 6027       | death without, meaning of                              | 3240              |
| first appointment is exclusive                            | 6028       | how notified of application to probate will            | 5665,5678         |
| removal of property                                       | 6029       | minor, represented by guardian ...                     | .5668, 5668,5961  |
| application for-proceedings                               | 6030       | to have notice of contest of will                      | 5681              |
| effect of order for                                       | 6031       | agent for non-resident                                 | 5941              |
| embezzlement by..   | 6032       | to give bond   | 5942              |
| cause for removal of                                      | 6033       | liability on   | 5945              |
| marriage of minor terminates guardianship                 | 6034       | accounting by  | 5944              |
| new bonds may be required                                 | 6035       | claimant for the property                              | 5946              |
| bonds must be preserved                                   | 6036       | property-of unclaimed for one year to be sold          | 5943              |
| action on, when commenced                                 | 6037       | may oppose issuance of letters                         | 5696, 5714        |
| for recovery of real estate sold                          | 6038       | aggrieved, may sue on administrator's bond             | 5730              |
| when more than one guardian appointed                     | 6039       | may require inCreased security, when and how           | 5734              |
| powers of probate judge                                   | 6040       |  |                   |
| service upon is service upon ward... ..                   | 5961       |  |                   |
| (See Guardian Ad Litem-Probate Court.)                    |            |  |                   |
| <b>GUARDIAN AD LITEM</b> -may be appointed by court, when | 4874       |  |                   |
| lication of minor or relative...                          | 4875       |  |                   |
| must give security  | 4876       |  |                   |
| entit oled to receive ward's share in partition           | 5403       |  |                   |
| may consent to partition without action                   | 5405       |  |                   |
| must account to court for funds received                  | 4876       |  |                   |

# INDEX.

|  | Section.        |   | Section.           |
|--|-----------------|---|--------------------|
| <b>HEIRS -Continued.</b>                                 |                 | <b>HIGHWAYS, BRIDGES AND FERRIES-highways</b>             |                    |
| may petition removal of administrator .                  | 5760            | (in counties withcivil township organization)-lay         |                    |
| may maintain action to quiet title                       | 5772            | ing out-Continued.  |                    |
| to have notice of application to sell realty             | 5824            | notice to party owning premises...                        | 1305               |
| action of, against administrator for fraud               | 5855            | town line   | 1306-1310          |
| possess estate by administrator, when                    | 5860,           | petition ..   | 1306               |
| of deceased claimant may sue for execution of conveyance | 5880            | determination of districts                                | 1307,1308          |
| may contest claims allowed                               | 5903            | appeals   | 1310               |
| obligations of, on receiving share of estate             | 5922            | on line of city or village                                | 1343-1345          |
| may be represented in all probate pro                    |                 | petition for  | 1343               |
| ceedings by attorney or guardian....                     | 5958            | appeals from action of boards                             | 1344               |
| may sue on right of deceased ancestor                    |                 | town line road laws applicable                            | 1345               |
| of party deceased, pending action...                     | 4861,4863       | side roads and ford crossings-may be established          | 1322               |
| may be summoned, how                                     | 4884            | cartways-public   | 1311, 1311311,1312 |
| may be summoned after judgment.                          | 5240-5245       | how laid out  | 1311               |
| not allowed to testify against each other, except        | 5260            | labor on  | 1312               |
| may revive and enforce judgment                          | 4882            | tax-who liable for poll                                   | 1272               |
| may continue pending action                              | 4881            | person liable for may be substituted                      | 1281               |
| may perfect appeal, when                                 | 4883            | poll may be commuted                                      | 1278,1279          |
| may sue railroad for damages                             | 5499, 5499,5498 | property tax may be paid by labor.                        | 1273               |
| (See Executor and Administrator – Probate Court.)        |                 | penalty for neglect to labor ....                         | 1281,1282          |
| <b>HERDING AND DRIVING</b>                               | 2272-2284       | delinquent list made out and returned                     | 1291               |
| stock grower and drover-defined                          | 2277            | how disposed of, when paid                                | 1291               |
| stock-driving off another's-penalty..                    | 2278            | ditches for drainage of                                   | 1335-1341          |
| what complaint sufficient                                | 2279            | proceedings for establishment of...                       | 1335               |
| damages for  | 2282            | notice to be given by township clerk                      | 1336               |
| driving and trespassing of                               | 2281            | examination by township supervisors                       | 1337               |
| prohibited from running at large                         | 2280            | appeals from decision of supervisors                      | 1338               |
| when stock of resident mixes with drove                  | 2283            | overseers to keep in repair                               | 1339               |
| <b>HERD LAW (See Trespass of Animals.)</b>               |                 | penalty for injuring                                      | 1340               |
| <b>RIDES</b> -of dead animals-who may remove             | 2284            | payment of damages for establishment of                   | 1341               |
| of slaughtered animals to be preserved .                 | 2274            | watering-places on  | 1332-1334          |
| <b>HIGHWAYS, BRIDGES AND FERRIES</b>                     | 1189-1369       | bounty for maintaining                                    | 1332, 1333         |
| <b>HIGHWAYS</b> (in counties with civil township         |                 | proceedings to secure bounty                              | 1334               |
| organization.)   | 1261-1343       | seeding down  | 1342               |
| public-what are  | 1261-1263       | obstructing   | 1329-1331          |
| width of   | 1263,1311       | penalty for   | 1329               |
| county   | 1314-1323       | jurisdiction of justice of the peace                      | 1330               |
| defined  | 1320            | finer, how disposed of                                    | 1331               |
| petition for establishment. change,or vacation of        | 1314            | injuries to   | 6875               |
| appointment of committee to examine                      | 1315            | plowing up  | 6876               |
| examiners may employ surveyor...                         | 1316            | racing on prohibited                                      | 6675               |
| report of committee                                      | 1317            | appeals   | 1324-1328          |
| duty of county commissioners and                         |                 | taken to justice of the peace, when                       | 1324-1326          |
| township supervisors on report..                         | 1318            | taken to district court, when                             | 1327               |
| remonstrance and assessment of damages                   | 1319            | county commissioners-duties of, pertaining to             |                    |
| assessment of damages in location of                     | 1323            | (See County Commissioners.)township                       |                    |
| appeals from award of damages by                         |                 | supervisors-duties of, pertainingto (See Townships.)      |                    |
| county commissioners                                     | 1324-1328       | duties pertaining to maintainingditches for land drainage | 2069               |
| maximum levy of taxes for                                | 1321            | overseers of-general duties                               | 1266               |
| laying out, altering or discontinuing                    | 1296-1305       | vacancies how filled                                      | 1267, 1267,1268    |
| petition for... ..                                       | 1296            | penalty for refusal or neglect to perform duties          | 1269               |
| examination of   | 1299            | supplied with road tax list                               | 1274               |
| proceedings of township supervisors                      | 1300            | adds names omitted  | 1275               |
| assessment of damages                                    | 1302,1303       | gives notice to persons liable to labor                   | 1276               |
| supervisors' determination final,extent                  | 1304            | powers of,in removal of obstructions                      | 1277               |
|  |                 | duties pertaining to commutation of road labor            | 1278,1279          |
|  |                 | may require team, wagon or plow..                         | 1280               |
|  |                 | prosecutes persons for neglect to work on highway         | 1283-1286          |
|  |                 | cannot excuse for non-performance of labor                | 1287               |

# INDEX.

|  | Section.         |  | Section.         |
|--|------------------|--|------------------|
| <b>HIGHWAYS, BRIDGES AND FERRIES-highways (in counties</b> |                  | <b>HIGHWAYS, BRIDGES AND FERRIES-highways (in counties</b>       |                  |
| with civil township organization-over                      |                  | without civil township organization)-road-tax- <i>Continued.</i> |                  |
| seers- <i>Continued.</i>                                   |                  | property, may be paid in labor or money                          | 1254             |
| reports road tax paid, when                                | 1289             | money paid in lieu of work, expended how                         | 1256             |
| penalty for refusal or neglect to report                   | 1290             | obstructing-penalty  | 1258             |
| must have three-fourths of labor done by August 1          | 1292             | road supervisors-appointment of...                               | 1243, 1244       |
| annual report to township supervisors                      | 1293             | general duties..   | 1245             |
| shall pay over moneys to township supervisors, when        | 1294             | notify persons liable for highway labor                          | 1247             |
| penalty for refusal or neglect                             | 1295             | prosecute persons for failing to perform highway labor           | 1249-1252        |
| destroys noxious weeds along highway                       | 2408             | not to excuse refusal or neglect to perform labor                | 1253             |
| may make fire guards                                       | 2403             | give certificate of road tax worked out                          | 1255             |
| has jurisdiction over artesian well, when                  | 2111-2112        | remove obstructions in highway ...                               | 1257             |
| duties pertaining to ditches for draining highways         | 1335-1341        | may make fire guards   | 2403             |
| compensation of-generally                                  | 1288             | annual report to county commissioners                            | 1259             |
| for destroying noxious weeds                               | 2408             | penalty for failure to qualify                                   | 1260             |
| <b>HIGHWAYS (in counties without</b>                       |                  | <b>LAW OF THE ROAD</b>   | 1349-1360        |
| civil township organization)                               | 1189-1260        | duties of persons using public highway                           | 1349-1353        |
| section-lines are  | 1189             | penalty for violation  | 1349             |
| county commissioners may vacate and change                 | 1190             | for employing drunken driver                                     | 1351             |
| width of   | 1191, 1221, 1311 | for failure to hitch passenger teams                             | 1352             |
| running through more than one county                       | 1192-1205        | liability of owners of vehicles                                  | 1353             |
| appointment and report of highway                          |                  | bridge penalties   | 1354-1360        |
| way commissioners...                                       | 1192-1197, 1228  | notice to be posted by county commissioners                      | 1354             |
| dismissal of petition for                                  | 1194             | penalty for driving across bridge faster than a walk             | 1356             |
| remonstrance against petition....                          | 1200             | for running toll gate  | 1360             |
| appointment and duty of reviewers                          | 1200, 1201       | proceedings for conviction                                       | 1357-1359        |
| final determination by county commissioners                | 1203             | <b>BRIDGES</b>   | 1238-1242        |
| compensation of highway com                                |                  | are part of public highway                                       | 1238             |
| missioners, viewers and reviewers                          | 1204, 1229       | construction of, across navigable rivers                         | 1239-1242        |
| to be recorded in each county                              | 1205             | petition for, and appropriation in aid of by county              | 1239             |
| not on section or quarter-section lines                    | 1206-1217        | county aid-conditional   | 1240             |
| petition and appointment of viewers                        | 1206, 1228       | bonds may be voted for   | 1241             |
| notification and report of viewers..                       | 1207, 1208       | cost of, limited   | 1243             |
| appointment and report of reviewers                        | 1210, 1211, 1228 | extraordinary appropriation for, may                             |                  |
| second appointment and report of reviewers                 | 1213-1215, 1228  | be made, when..  | 1321             |
| damages must be paid prior to opening                      | 1216             | (See Bridges.)   |                  |
| appeal to district court                                   | 1217             | <b>FERRIES</b>   | 1361-1369        |
| 1 on section or quarter section lines...                   | 1218             | unlawful to maintain without lease                               | 1361, 1365, 1366 |
| on county or township lines                                | 1222             | must not be nearer than two miles of each other                  | 1361             |
| running through enclosures                                 | 1223, 1224       | leases for, granted by county commissioners                      | 1362             |
| six years' non-use vacates                                 | 1225             | temporary, permitted without license                             | 1368             |
| twenty years' use establishes                              | 1227             | forfeiture of lease for failure to maintain ferry                | 1369             |
| benefits to be considered in award of                      |                  | license fees to be paid to school fund.                          | 1367             |
| damages  | 1230             | rates of ferriage  | 1303             |
| private roads may be laid out                              | 1231             | in unorganized counties  | 1364             |
| occupants of public lands must claim                       |                  | (See Ferries.)   |                  |
| damages, when  | 1232             | <b>HIRE-deposit for</b>  | 3736             |
| line roads take half of width from each side               | 1234             | (See Storage-Depositary-Hiring.)                                 |                  |
| remonstrants to give bond for costs..                      | 1235             | <b>HIRER-products of thing hired belong to</b>                   | 3727             |
| timber along, ground used for cultivation                  | 1236             | must use ordinary care   | 3729             |
| hedges along, ground may be fenced for                     | 1237             | must repair injuries caused by his negligence                    | 3730             |
| road tax-who liable for road poll.                         | 1245, 1246       | must not use thing for purpose not agreed                        | 3731             |
| penalty for non-payment                                    | 1249-1251        |  |                  |

# INDEX.

|   | Section.        |   | Section.  |
|---|-----------------|---|-----------|
| <b>HIRER- Continued.</b>  |                 | <b>HOMESTEAD-Continued.</b>                                     |           |
| may terminate hiring, when  | 3732            | how marked and described  | 2459      |
| must pay ratable proportion of hire, when                             | 3736            | change of, limitations  | 2460      |
| of real property may repair at expense                                |                 | new, shall be exempt  | 2461      |
| of lessor, when   | 3737            | disputed  | 2462      |
| continued possession of, renews lease, when                           | 3741            | order of succession to  | 2463      |
| must give notice of proceedings to recover land                       | 3744            | descends free from debt   | 2464      |
| of part of room entitled to the whole..                               | 3745            | liable for debt, if no survivor                                 | 2465      |
| of personal property must bear ordinary expenses                      | 3747            | may be devised, limitations                                     | 2466      |
| may repair etc., at expense of letter,when                            | 3748            | shall not include mines, etc                                    | 2468      |
| must return property, where   | 3749            | surviving husband, or wife and children-entitled to             | 5778      |
| <b>HIRING</b> -in general, defined                                    | 3726            | selection of by   | 5780      |
| hirer entitled to product of thing, during                            | 3727            | is exempt from liability for debts against estate               | 5781      |
| covenant for quiet possession implied in                              | 3728            | cannot be sold for taxes until realty is exhausted              | 1622      |
| obligations of parties to   | 3729-3731       | <b>HOMICIDE</b>   | 6437-6464 |
| when letter may terminate   | 3732            | definition  | 6437      |
| when hirer may terminate  | 3733            | classes of .  | 6438      |
| terminates, when  | 3734            | corpus delicti must be shown                                    | 6439      |
| by incapacity or death of party, when                                 | 3735            | confidential or domestic relation may                           |           |
| apportionment of hire of  | 3736            | be considered by jury   | 6441      |
| of real property, rights and obligations                              |                 | when murder   | 6442      |
| of parties to   | 3737, 3738      | design to effect death inferred                                 | 6443      |
| term of, when no limit fixed  | 3739, 3739,3740 | may be formed just before act                                   | 6444      |
| hen presumed to be renewed  | 3741            | anger or intoxication no defense                                | 6445      |
| notice, when necessary to terminate.                                  | 3742            | as result of an act eminently dangerous                         | 6446      |
| rent under, when payable  | 3743            | in case of duel out of terror                                   | 6447      |
| in subdivisions of rooms forbidden...                                 | 3745            | as result of forcibly taking mine                               | 6448      |
| (See Landlord-Tenant.)  |                 | punishment for murder   | 6449      |
| of personal property, rights and obligations of parties to            | 3746-3750       | manslaughter in first degree                                    | 6450      |
| <b>HOLDER</b> -of negotiable instrument may make indorsement special, |                 | killing unborn quick child is                                   | 6451      |
| how   | 4477            | by administering drugs  | 6451      |
| presentment must be made by   | 4491, 4491,4526 | punishment of   | 6452      |
| must surrender same on payment, when                                  | 4497            | manslaughter in second degree                                   | 6454      |
| must give receipt, when   | 4497            | owner of mischievous animal guilty                              |           |
| must indemnify payer, when  | 4497            | of, when  | 6455      |
| notice of dishonor to be given by..                                   | 4499-4505       | negligent owner of navigating vessel                            | 6456      |
| how given by, when agent only   | 4506            | persons having charge of steamboats                             | 6457      |
| certain information to, excuses presentment. etc                      | 4570            | steam engines   | 6458      |
| payment to, when sufficient   | 4515            | liability of physicians   | 6459      |
| of bill of exchange may treat it as dishonored, when                  | 4531            | keeping gun powder  | 6460      |
| may receive qualified acceptance, when                                | 4532            | punishment for  | 6461      |
| not bound to receive acceptance for honor                             | 4538            | excusable, when   | 6462      |
| must receive payment for honor....                                    | 4538            | justifiable-by officers   | 6463      |
| must give notice of dishonor notwith                                  |                 | by other persons  | 6464      |
| standing acceptance of honor  | 4540            | <b>HONOR</b> -acceptor for (See Acceptance.)                    | 4537-4541 |
| for value entitled to certain damages                                 | 4559            | <b>HOSPITALS</b> -for persons affected with contagious diseases | 764       |
| (See Bill of Exchange-Negotiable Instrument.)                         |                 | corporations may be formed (See Corporations.)                  | 3162      |
| <b>HOLIDAYS</b> -defined  | 4749, 4749,4750 | <b>HOSPITALS FOR THE INSANE</b> -where located                  | 233,234   |
| certain acts need not be done on                                      | 4751            | object of   | 236       |
| not included in days of grace   | 4524            | trustees, appointment and oath of                               | 235       |
| <b>HOMESTEAD</b> -is exempt from judicial                             |                 | per diem of   | 238       |
| sale or judgment  | 2449, 2449,5127 | may take bequests   | 237       |
| conveyance of, is invalid, when                                       | 2451            | board of, officers of, and their duties.                        | 239       |
| is liable-for taxes and mechanic's liens .                            | 2452            | fiscal year, meetings, quorum                                   | 240       |
| for purchase money  | 2453            | monthly visits of   | 242       |
| must embrace residence  | 2454            | duties of in erection of new buildings                          | 246       |
| can embrace only contiguous tracts ...                                | 2455            | to furnish blanks to commissioners of insanity                  | 258       |
| what area   | 2456            | resident officers-appointment of                                | 241       |
| what buildings  | 2457            | superintendent-duties, bond, and oath of                        | 248       |
| what may select   | 2458            | patients-to notify governor of summary discharge of             | 254       |
|   |                 | not liable for reception of, when                               | 256       |
|   |                 | shall receipt for   | 285       |
|   |                 | duties pertaining to postal rights of                           | 2199-2202 |

# INDEX.

|   | Section.         |  | Section.         |
|---|------------------|--|------------------|
| <b>HOSPITALS FOR THE INSANE</b> -resident officers- <i>Continued.</i> |                  | <b>ILLEGITIMATE CHILD</b> - <i>Continued.</i> takes property of its mother |                  |
| steward-duties and accounts of..                                      | 244, 245         | by succession, when  | 3403             |
| patients-regulations concerning admission of                          | 248              | of father, when  | 3403             |
| care of, to be impartial  | 249              | cannot otherwise succeed   | 3403             |
| order of preference in receiving                                      | 250              | <b>IMBECILES</b> (See Persons of Unsound Mind..)                           |                  |
| escaped, capture and return of  | 251              | <b>IMPEACHMENT</b> -right of, not affected                                 |                  |
| discharge of-when cured or incurable                                  | 252              | by penal code  | 6982             |
| before cure   | 253              | <b>IMPOSSIBILITY</b> -defined  | 3527             |
| summary   | 254              | of performance, when an excuse for non-performance                         | 3479             |
| appropriations not to be diverted from specific purposes              | 247              | avoids contract, when  | 3526             |
| districts-territory divided into two...                               | 260              | of ascertaining object of contract avoids it                               | 3526             |
| (See Insane.)   |                  | consideration of contract avoids it...                                     | 3538             |
| <b>HOTELKEEPER</b> (See Innkeeper.)                                   |                  | not required by law  | 4718             |
| <b>HOUSE-BREAKING</b> (See Burglary.)                                 |                  | <b>IMPOSSIBLE</b> -defined   | 3527             |
| <b>HUSBAND</b> -is head of the family                                 | 2587             | condition, void  | 3434             |
| must support himself and wife   | 2588             | <b>IMPRISONMENT</b> -for contempt of court                                 | 5112, 5185, 5529 |
| liable for necessities furnished Wife...                              | 2595             | in civil actions-proceedings to obtain discharge from                      | 5543-5555        |
| not liable for debts of wife abandoning him                           | 2596             | for debt   | 5113, 5115, 5174 |
| not bound to maintain wife's children..                               | 2615             | on criminal action, term of, not a part                                    |                  |
| abduction'of, forbidden   | 2531             | of time limited for beginning an action                                    | 4860             |
| consent of not necessary to wife's execution of power                 | 2831             | two or more terms of, when   | 6950             |
| takes property of wife by succession, when                            | 3401             | imprisonment in justice's court  | 6168             |
| contract obtained from wife by duress of, voidable                    | 3504             | term of, determined how when not prescribed                                | 6951             |
| by menace of, voidable  | 3505             | sentence to, how limited   | 6952             |
| <b>HUSBAND AND WIFE</b> - rights and duties of                        | 2586             | fine may be added to   | 6954             |
| have no interest in each other's property                             | 2589             | in territorial prison, suspends civil rights                               | 6955             |
| may enter into contract with each other                               | 2590             | for life is civil death  | 6956             |
| cannot alter their relations  | 2591             | pardon does not restore marriage rights                                    | 2540             |
| may agree to separate   | 2591, 2592       | execution in judgment of   | 7476, 7477       |
| may hold property together  | 2593             | in territorial prison  | 7478             |
| not answerable for each other's acts...                               | 5594             | unlawful or fraudulent, avoids contract                                    | 3504             |
| duress of either, avoids contract of the other, when .....            | 3504             | <b>INCAPACITY</b> -of minor to contract.                                   | 2514, 2515       |
| menace of injury to either, avoids contract of the other, when        | 3505             | of person of unsound mind to contract                                      | 2519, 2521       |
| either may sell or encumber property, when .                          | 2597             | of party terminates hiring, when   | 3735             |
| action may- be set aside, how   | 2599             | employment, when   | 3773             |
| rights pertaining to homestead and conveyance thereof                 | 2449-2468        | agency, when   | 4006, 4007       |
| cannot be witnesses against each other, unless .                      | 5260             | of trustee, ground for discharge   | 3955             |
| survivor entitled to administer                                       | 5705, 5720, 5723 | of partner, ground for dissolution   | 4058             |
| additional allotment to   | 5779             | <b>INCEST</b> -defined and punished  | 6546             |
| claim of wife for damages against liquor dealer, when                 | 2206             | jurisdiction of  | 7104             |
| <b>ICE CUTTING</b> -guards must be put up at .                        | 6667             | <b>INCESTUOUS MARRIAGE</b> -defined....                                    | 2537             |
| how long maintained   | 6668             | <b>INCIDENT</b> -passes by transfer of principal                           | 3243, 4727       |
| penalty   | 6669             | principal does not pass by transfer of                                     | 3243, 4727       |
| <b>IDIOCY</b> -divorce on account of, upon whose application          | 2550             | <b>INCOME</b> -definition of   | 2731             |
| <b>IDIOT</b> -not capable of committing crime                         | 2198, 6215       | disposition of, by what rules governed.                                    | 2720             |
| cannot be admitted to hospital for insane                             |                  | accumulation of, in what cases allowed                                     | 2722             |
| (See Person of Unsound Mind.)   |                  | certain directions for, void   | 2723             |
| <b>IGNORANCE</b> -avoids contract, when, (See Mistake.)               | 3512             | allowances out of  | 2724             |
| as an excuse for crime  | 6215             | <b>INCORPORATION</b> (See Corporations Cities -Towns.)                     |                  |
| does not excuse from punishment                                       | 6215             | <b>INCREASE</b> -of property lent belongs to lender                        | 3699             |
| <b>ILLEGITIMATE CHILD</b> -mother of, takes property of, by           |                  | hired belongs to hirer   | 3727             |
| succession  | 3404             | pledged is pledged therewith   | 4395             |
|   |                  | <b>INCUMBRANCE</b> - includes what (See Lien.)                             | 3254             |
|   |                  | covenant against, form of  | 3614             |
|   |                  | damages for breach Of  | 4585             |
|   |                  | <b>INCUMBRANCE</b> -within meaning of                                      |                  |
|   |                  | recording act, defined   | 3293             |
|   |                  | record of conveyance, notice to subsequent                                 | 3296             |

# INDEX.

|  | Section.        |   | Section.        |
|--|-----------------|---|-----------------|
| <b>INCUMBRANCER-Continued,</b>                               |                 | <b>INDICTMENT- Continued.</b>                         |                 |
| record of mortgage operates as notice                        |                 | time allowed to answer or demur                       | 7281            |
| to subsequent  | 4369            | when not found, prosecution ordered dismissed         | 7649            |
| filing of mortgage operates as notice to subsequent          | 4383            | against corporation                                   | 7584, 7584,7585 |
| for value, instrument intended to defraud void against       | 3298            | for driving off stock, what sufficient....            | 2279            |
| exception in case of notice to                               | 3299            | disclosure of is a misdemeanor                        | 6418            |
| grant by person having power of re                           |                 | finding and presentation of                           | 7233-7238       |
| vocation operates as revocation infavor, when                | 3300            | how found   | 7233            |
| in good faith, unrecorded conveyance                         |                 | charge-dismissal of                                   | 7234            |
| of real property void against                                | 3294            | resubmission of                                       | 7235            |
| mortgage not lien against subsequent                         | 4357            | to contain names of witnesses                         | 7236            |
| lien of seller or buyer not valid against subsequent         | 4438            | presented to court by foreman                         | 7237            |
| mortgage of personal property void                           |                 | proceedings for arrest under                          | 7238            |
| against subsequent, unless filed..                           | 4379            | rules and form of pleading                            | 7239-7262       |
| obligation respecting real property                          |                 | is first pleading                                     | 7240            |
| not enforced against subsequent.                             | 4636            | must contain what                                     | 7241            |
| certain transfers void against                               | 4657            | must be certain and direct                            | 7242            |
| without notice, not prejudiced by implied or resulting trust | 2797            | defendant indicted under fictitious name              | 7243            |
| certain trusts void against                                  | 2809            | must charge but one offense                           | 7244            |
| conditional transfer absolute in favor of, when ...          | 4350            | as to time of offense                                 | 7245            |
| lien void against, when                                      | 4345            | what errors not material                              | 7246            |
| <b>INDECENT EXPOSURE</b> -of one's own person                | 6567            | words construed how                                   | 7247            |
| procuring same of another person                             | 6567            | statute need not be strictly followed.                | 7248            |
| In   | 4262            | is sufficient, when                                   | 7249            |
| for future wrongful act, void                                | 4264            | informalities disregarded                             | 7250            |
| for past wrongful act, valid                                 | 4265            | what need not be stated                               | 7251            |
| extends to acts of agent, as well as principal               | 4266            | pleading a judgment                                   | 7252            |
| to several applies to each                                   | 4267            | a private statute                                     | 7253            |
| creates joint liability with person indemnified              | 4268            | for libel   | 7254            |
| interpretation of  | 4269            | forgery   | 7255            |
| when person giving his rights of surety                      | 4270            | perjury   | 7256            |
| in legal proceedings, called bail                            | 4271            | larceny   | 7257            |
| by what rules governed                                       | 4272            | embezzlement  | 7257            |
| carrier may require, when                                    | 3861            | conspiracy-overt act must be alleged                  | 7383            |
| insurance a contract of                                      | 4097, 4111      | to cheat and defraud                                  | 7257            |
| guarantor indemnified liable to extent of                    | 4295            | selling obscene books                                 | 7258            |
| party paying negotiable instrument entitled to, when         | 4497            | when there are several defendants ...                 | 7259            |
| In favor of-absent parties summoned by publication           | 5025            | as to accessory and principal                         | 7260            |
| sheriff, when  | 4982, 4982,5125 | accessory tried                                       | 7261            |
| territory, when  | 5349            | compounding a felony                                  | 7262            |
| bond of, to administrator by purchaser of contract rights    | 5849, 5850      | arraignment under (See Arraignment.)                  | 7263-7282       |
| <b>INDENTURE</b> -of apprenticeship (SeeApprenticeship.)     | 2656            | setting aside   | 7283-7289       |
| <b>INDIANS</b> -rights and duties of                         | 2525            | cause for   | 7283            |
| land of, not alienable                                       | 2525            | if no motion made, objections waived                  | 7284            |
| marriages between  | 2541-2544       | motion-heard when                                     | 7285            |
| selling liquor to, how punished                              | 6915            | if denied, defendant must answer at once              | 7286            |
| penalty for harboring  | 6932            | if granted, defendant discharged...                   | 7287            |
| <b>INDICTMENT</b> -definition of                             | 7213            | case maybe resubmitted                                | 7288            |
| necessary, when  |                 | is not a bar  | 7289            |
| twelve jurors may find                                       | 7192            | demurrer to (See Demurrer.)                           | 7290-7300       |
| to be found when   | 7218            | either, or plea                                       | 7290            |
| on what evidence to be found                                 | 7215-7217       | made in open court                                    | 7291            |
| is found when presentment is duly made                       | 7116            | when  | 7292            |
| to be indorsed a "true bill."                                | 7233            | requisites of   | 7293            |
| when for felony, defendant may be                            |                 | hearing of  | 7294            |
| committed or increased bail required                         | 7274,7275       | judgment on   | 7295            |
|  |                 | sustained-is a bar, when                              | 7296            |
|  |                 | defendant discharged                                  | 7297            |
|  |                 | overruled, defendant must plead                       | 7299            |
|  |                 | certain objections taken only by                      | 7300            |
|  |                 | plea to   | 7301-7311       |
|  |                 | must be made in open court                            | 7291            |
|  |                 | classified  | 7301            |
|  |                 | must be oral  | 7302            |
|  |                 | form of   | 7303            |
|  |                 | guilty must be made by defendant in person, exception | 7304            |
|  |                 | may be withdrawn                                      | 7305            |
|  |                 | issues on   | 7306            |
|  |                 | evidence under  | 7307            |



# INDEX.

|  | Section.  |   | Section .        |
|--|-----------|---|------------------|
| <b>INDICTMENT</b> -plea to- <i>Continued.</i>                |           | <b>INJUNCTION</b> - <i>Continued.</i>                         |                  |
| acquittal on objection to indictment                         |           | final, may be granted, when                                   | 4649             |
| not a defense to subsequent indictment                       | 7308      | cannot be granted, when                                       | 4650             |
| on merits deemed same offense                                | 7309      | writ of-abolished   | 4894             |
| former, or conviction for same offense                       | 7310      | issues on affidavit and order                                 | 4891, 4891,4986  |
| refusal to plead .   | 7311      | copy of affidavit to be served with order                     | 4986             |
| new, defendant must be held for, if ac                       |           | undertaking may be required                                   | 4988             |
| quitted for insufficiency of evidence .                      | 7454      | grounds for   | 5480, 5448       |
| (See Grand Jury.)  |           | granted at any time pending action....                        | 4986             |
| <b>INDORSEE</b> -indorsement specifying,called special       | 4476      | after answer on notice  | 4987             |
| rights of  | 4483      | may be preceded by order to show cause                        | 4989             |
| in good faith, for consideration, rights of                  | 4486      | must be preceded by order to show cause, when                 | 4990             |
| in due course,defined  | 4487      | motion to vacate, when  | 4991             |
| rights of  | 4188      | may be heard out of court                                     | 4991             |
| may enforce negotiable instrument                            |           | supported by affidavit, when                                  | 4992             |
| though paid  | 4516      | suspends limitation of action                                 | 4864             |
| of check, rights of  | 4568      | in mining contest may grant affirmative relief                | 2075             |
| (See Negotiable Instrument.)                                 |           | <b>INJURY</b> -right of protection from                       | 2526             |
| <b>INDORSEMENT</b> -of negotiable instrument                 | 4471-4489 | right to use force to defend from                             | 2532;            |
| defined  | 4471      | threat of (See Menace.) contract for exemption from liability |                  |
| how to be made   | 4472      | for, void   | 35781            |
| may be made on separate paper, when.                         | 4473      | obligation to abstain from                                    | 3597             |
| general, defined   | 4475      | to personal property, damages for                             | 4603             |
| how made special   | 4477      | to animals, damages for                                       | 4607             |
| special, defined   | 4476      | to timber, damages for  | 4611             |
| how may destroy negotiability                                | 4478      | joinder of parties defendant in action for                    | 4932             |
| implied warranty of  | 4479      | wilful, to person or property, cause for arrest               | 4945             |
| before delivery to payee, effect of                          | 4480      | limitation of actions for                                     | 4850             |
| without recourse, effect of                                  | 4481      | <b>INJURIOUS ACTS</b> -are misdemeanors.                      | 6934             |
| gives privity to contract                                    | 4483      | <b>INNKEEPER</b> -liability of                                | 3686             |
| party making, has 'rights of guarantor                       | 4484      | how exempted from liability by notice,etc                     | 3687             |
| for accommodation, rights of party making                    | 4485      | unclaimed property held by sale of....                        | 3852             |
| without consideration, when binding..                        | 4486      | lien of, enforced by action                                   | 5481             |
| in due course, defined                                       | 4487      | to provide fire escapes                                       | 2410             |
| rights conferred by  | 4488      | penalty for neglect   | 2411             |
| of instrument blank  | 4489      | <b>INQUEST</b> -(See Coroner.)                                |                  |
| of bill of lading, effect of                                 | 3856      | <b>INQUIRY</b> -of damages-writ of, when...                   | 4919             |
| (See Negotiable Instrument.)                                 |           | <b>INQUISITION</b> -as to sanity of prisoner                  |                  |
| <b>INDORSER</b> -defined                                     | 4471      | sentenced to death  | 7484-7488        |
| implied warranty of  | 4479      | as to pregnancy   | 7489, 7490, 7491 |
| before delivery to payee, liable to him.                     | 4480      | INSANE-defined  | 2196             |
| has rights of guarantor                                      | 4484      | defendant becoming, after judgment of death ....              | 7484-7488        |
| of surety, when  | 4485      | postal rights of  | 2199-2202        |
| without recourse, how far liable                             | 4481      | examination of patients                                       | 2179-2198        |
| without consideration, to whom liable.                       | 4486      | application-for admission to hospital,                        |                  |
| of bill of exchange, when exonerated by delay in presentment | 4529      | how made  | 2183             |
| of check, when exonerated by delay in presentment            | 4568      | hearing on by commissioners                                   | 2184             |
| signature of, is not admitted by acceptance                  | 4536      | questions to be asked   | 2192             |
| (See Negotiable Instrument.)                                 |           | patient sent to hospital, how                                 | 2185             |
| <b>INFANT</b> -sues and defends by guardian                  | 4874      | proceedings to release from hos.                              |                  |
| may be required to give bond as witness                      | 7183      | pital when not insane   | 2193             |
| not capable of committing crime, when                        | 6215      | shall not be repeated oftener than                            |                  |
| concealing death of  | 6540      | six months  | 2194             |
| attempt at   | 6947      | is entitled to habeas corpus                                  | 2195             |
| (See Child-Minor- Parent and ChildGuardian-Apprentice.)      |           | neglect of duty regarding, by officer or other                | 2197             |
| <b>INFIRMARIES</b> - may be incorporated (See Corporations.) | 3162      | guardians for   | 5996-5999        |
| <b>INFORMATION</b> -defined                                  | 7117      | restoration of, proceedings to declare..                      | 5999             |
| for security to keep the peace                               | 7049      | commissioners of insanity-appointed                           |                  |
| to be given on insurance (See Conceal                        |           | how, and for how long   | 2179             |
| ment-Insurance.)   | 4121      | oath of   | 2180             |
| <b>INJUNCTION</b> -preventive relief by....                  | 4647      | organization and meetings                                     | 2180             |
| provisional,how regulated                                    | 4648      | duty of chairman  | 2181             |
|  |           | duties and powers of  | 2182             |
|  |           | proceedings of, on application for                            |                  |
|  |           | admission to hospital   | 2183-2185        |

# INDEX.

|   | Section.   |  | Section.        |
|---|------------|--|-----------------|
| <b>INSANE-commissioners-Continued.</b>                        |            | <b>INSURABLE INTEREST</b> -effect of transfer-Continued.   |                 |
| physician appointed to examine insane person                  | 2184       | between joint owners, etc                                  | 4117, 4117,4118 |
| report of   | 2185       | effect of change of, death                                 | 4116            |
| findings of   | 2185       | in marine insurance  | 4188-4194       |
| may provide for insane outside of hospital                    | 2186       | of owner of ship   | 4188            |
| compensation of   | 2196       | covered by bottomry bond                                   | 4189            |
| disposition of when accommodations                            |            | in freightage  | 4191            |
| of hospital are insufficient                                  | 2186       | under charter party  | 4192            |
| county may care for, when                                     | 2187       | in profits   | 4193            |
| shall not be restrained of liberty except by proper authority | 2189       | of charterer   | 4194            |
| cruelty to is punishable, how                                 | 2190       | in life or health insurance, who has....                   | 4259            |
| under private care may be transferred to hospital             | 2191       | <b>INSURANCE</b> in general-defined                        | 4097            |
| <b>INSANE HOSPITALS</b> (See Hospitals for the Insane.)       |            | what maybe subject to                                      | 4098            |
| <b>INSANE PERSONS</b> -not capable of committing crime        | 6215       | usual kinds of   | 4099            |
| may be committed by the court                                 | 6218       | parties to, defined  | 4101            |
| unlawful confinement of                                       | 6628       | who may be   | 4102, 4103      |
| (See Persons of Unsound Mind.)                                |            | by mortgagor in favor of mortgagee, effect of              | 4104            |
| <b>INSANITY</b> - of defendant-inquiring into                 | 7564-7573  | what interest maybe protected by (See Insurable Interest.) | 4106            |
| insane persons cannot be tried or punished for public offense | 7564       | void if insured has no interest                            | 4111            |
| inquiry by jury as to alleged insanity..                      | 7565       | change of interest suspends                                | 4113            |
| trial of indictment suspended                                 | 7566       | after loss does not suspend                                | 4114            |
| order of trial of questions of                                | 7567       | in thing separately insured does not                       |                 |
| provisions applying to trial                                  | 7568       | suspend, as to other things                                | 4115            |
| if found to be sane, trial proceeds                           | 7569       | by succession does not avoid                               | 4116            |
| if found to be insane judgment is suspended                   | 7570       | from one joint owner, etc., to another,does not avoid      | 4117            |
| if committed-bail is exonerated                               | 7571       | concealment in, defined                                    | 4119            |
| restoration to sanity-effect of                               | 7572       | ground for rescission                                      | 4120            |
| expenses of keeping insane defendant                          | 7573       | what must be communicated in                               | 4121            |
| of convict  | 7721, 7767 | what need not be communicated in....                       | 4122            |
| as a defense-verdict,of acquittal, effect of                  | 7438       | what is deemed material in                                 | 4123            |
| <b>INSOLVENCY</b> -justifying stoppage in transit, defined    | 4451       | what parties to are bound to know                          | 4124            |
| within provisions concerning assignments, defined             | 4661       | right to information in, how waived....                    | 4125            |
| fraudulent-by individuals                                     | 6837-6840  | what information not necessary to                          | 4126            |
| by corporations   | 6841-6862  | fraudulent concealment of facts concerning warranty avoids | 4127            |
| <b>INSPECTION</b> -of writing, either party may demand        | 5250, 5251 | representation in, oral or written                         | 4129            |
| In justice's court  | 6100       | when made  | 4130            |
| <b>INSTRUCTIONS TO JURY</b> (See Charge-Trial.)               |            | how interpreted  | 4131            |
| <b>INSTRUMENT</b> -unrecorded, valid between parties          | 3297       | when deemed a promise                                      | 4132            |
| revision of   | 4637       | how affects policy   | 4133            |
| rescission of   | 4641       | maybe withdrawn, when                                      | 4134            |
| cancellation of   | 4644       | refers, to what time                                       | 4135            |
| record of, in cases of unorganized counties                   | 2655       | upon belief  | 4136            |
| (See Cancellation-Rescission-Revision.) forged,               |            | when deemed false  | 4137            |
| offering for record   | 6350       | false, ground for rescission                               | 4138            |
| injuring, defacing, or destroying. .                          | 6906, 6907 | materiality of, how determined                             | 4139            |
| larceny ot  | 6788, 6790 | policy of, defined   | 4141            |
| <b>INSULT</b> -right of protection from                       | 2526       | must specify what...                                       | 4142            |
| <b>INSURABLE INTEREST</b> -in general defined                 | 4106       | whose interest covered by                                  | 4143            |
| may consist in what   | 4107       | in favor of agent, etc., how expressed                     | 4144            |
| carrier or depositary has                                     | 4108       | of partner, etc., how expressed                            | 4145            |
| mere contingency or expectancy is not                         | 4109       | general description in, to whom applicable                 | 4146            |
| measure of  | 4110       | may be framed for benefit of successive owners             | 4147            |
| essential to validity of insurance                            | 4111       | not transferred by transfer of thing insured               | 4148            |
| must exist at that time                                       | 4112       | open, defined  | 4150            |
| effect of transfer of   | 4113       | valued, defined  | 4151            |
| after loss  | 4114       | running, defined   | 4152            |
| in one of several things                                      | 4115       | effect of receipt in                                       | 4153            |
|   |            | agreement not to transfer claim under, void                | 4154            |
|   |            | warranty in, defined                                       | 4155            |
|   |            | express must be in policy                                  | 4157            |
|   |            | defined  | 4159            |
|   |            | may relate to past, present or future.                     | 4158            |
|   |            | as to future, define                                       | 4160            |
|   |            | performance of, when excused                               | 4161            |
|   |            | breach of material, ground for rescission                  | 4162            |

# INDEX.

|  | Section.        |   | Section         |
|--|-----------------|---|-----------------|
| <b>INSURANCE</b> -warranty- breach- <i>Continued.</i>  |                 | <b>INSURANCE</b> -marine-measure-indemnity- <i>Continued.</i> |                 |
| of immaterial, does not avoid                          | 4163            | in case of damage   | 4249            |
| without fraud, effect of                               | 4164            | where expenses are incurred                                   | 4250            |
| premium of, when earned                                | 4165            | for general average   | 4251            |
| return of, when due                                    | 4166, 4167      | where insured entitled to contribution                        | 4252            |
| when not due   | 4168            | in case of partial loss of ship, etc...                       | 4253            |
| in case of over insurance                              | 4169            | fire, effect of concealment or false representation upon      | 4254            |
| contribution to  | 4170, 4170,4171 | effect of alteration in thing upon                            | 4255            |
| perils, what covered by                                | 4172            | how affected by acts of insured                               | 4256            |
| loss incurred by rescue from coveredby                 | 4173            | measure of indemnity under                                    | 4257            |
| excepted from  | 4174            | life and health, when may be payable..                        | 4258            |
| caused by wilful act, when not covered by              | 4175            | who may be insured by   | 4259            |
| notice of loss under, must be given                    | 4176            | may be transferred, etc., to person having no interest        | 4260            |
| defects or delay in, how waived                        | 4178            | notice of transfer of, not necessary..                        | 4261            |
| proof of loss under, what must be given ...            | 4177            | measure of indemnity under                                    | 4262            |
| defects or delay in, how waived                        | 4178, 4179      | does not pass to assignee for benefit of creditors            | 4267            |
| peculiar, when excused                                 | 4180            | companies (See Corporations.)                                 |                 |
| double, defined  | 4181            | county mutual companies (See Corporations.)                   |                 |
| contribution under                                     | 4182            | cancellation and forfeiture of policies                       | 3103-3105       |
| reinsurance, defined                                   | 4183            | chattel mortgages prohibited in applications                  | 3106, 3106,3107 |
| what must be communicated on                           | 4184            | making false proof of loss                                    | 6830            |
| presumed to be against liability                       | 4185            | <b>INSURE</b> -factor may                                     | 4011            |
| original insured has no interest in..                  | 4186            | ship's manager cannot   | 4026            |
| special partnership not allowed to carryon business of | 4072            | who may   | 4102            |
| marine, defined  | 4187            | <b>INSURED PROPERTY</b> -destruction of                       |                 |
| insurable interest under                               | 4187-4194       | with intent to defraud  | 6825-6829       |
| owner of ship has                                      | 4187            | <b>INSURED</b> -person, who may be                            | 4103            |
| freightage, when                                       | 4191            | must have insurable interest                                  | 4111            |
| under charter party, when begins..                     | 4192            | effect of change of interest upon rights of                   | 4113            |
| in profits....   | 4193            | what must be communicated by (See                             |                 |
| of charterer of ship                                   | 4194            | Concealment - Representation.)....                            | 4121,4195-4198  |
| what must be communicated in                           | 4195            | not answerable for truth of information, when                 | 4136            |
| what information is material in                        | 4196            | effect of naming, in policy                                   | 4143            |
| when person insured by, presumed to have information   | 4197            | of vague description of, in policy...                         | 4146            |
| effect of certain concealments upon..                  | 4198            | agreement not to transfer claim of, after loss, void          | 4154            |
| representation wilfully false avoids..                 | 4199            | statement in policy concerning, is warranty                   | 4159            |
| eventually false, does not avoid....                   | 4200            | entitled to return of premium, when                           | 4166,4167       |
| warranty of seaworthiness implied...                   | 4201            | when not  | 4168            |
| when complied with                                     | 4202-4207       | wilful act of, not covered by insurance                       | 4175            |
| effect of  | 4204            | must give notice of loss                                      | 4176            |
| of neutrality, effect of                               | 4208            | what proof must be given by                                   | 4177            |
| voyage covered by, how determined                      | 4209, 4210      | may require payment from any insurer                          | 4182            |
| deviation from, defined                                | 4211            | has no interest in reinsurance                                | 4186            |
| when proper  | 4212            | in marine insurance, presumed to know of loss, when           | 4197            |
| when improper  | 4213            | entitled to payment without abandonment, when                 | 4223            |
| effect of  | 4214            | may abandon, when   | 4227            |
| loss under, total or partial                           | 4215            | agents of, are agents of insurer, after abandonment           | 4236            |
| actual or constructive                                 | 4217            | not obliged to abandon  | 4242            |
| actual loss, defined                                   | 4218            | may recover proportion of profits, when                       | 4245            |
| constructive total, defined                            | 4219            | may recover whole loss from insurer,                          |                 |
| actual, when presumed                                  | 4220            | subrogating him to right of contribution                      | 4252            |
| abandonment unnecessary upon actual total              | 4223            | in fire insurance, what acts of, avoid policy                 | 4254-4256       |
| of profits, when presumed                              | 4247            | what may be   | 4106-4112       |
| covers expenses of reshipment in certain cases         | 4222            |   |                 |
| free of average, effect of                             | 4124            |   |                 |
| against total loss only, effect of                     | 4225            |   |                 |
| abandonment under (See Abandonment.)                   | 4226-4242       |   |                 |
| measure of indemnity under                             | 4243-4253       |   |                 |
| valuation in policy of, when conclusive                | 4243            |   |                 |
| when applicable to partial loss                        | 4244            |   |                 |
| apportioned  | 4246            |   |                 |
| of profits   | 4245            |   |                 |
| measure of indemnity under openpolicy of               | 4248            |   |                 |

# INDEX.

|   | Section.        |  | Section         |
|---|-----------------|--|-----------------|
| <b>INSURED-</b> <i>Continued.</i>                           |                 | <b>INTEMPERANCE</b> -habitual, cause for                       |                 |
| against, what may be  | 4098            | divorce  | 2559            |
| thing, effect of change of interest in....                  | 4113            | <b>INTENT</b> -to defraud, what must be shown                  | 6980            |
| transfer of, does not transfer policy..                     | 4148            | in case of intoxication, how treated....                       | 6.216           |
| statement in policy concerning, is warranty                 | 4159            | <b>INTENTION</b> -of testator to govern interpretation of will | 3343            |
| exposure of, to peril, entitles insurer to premium          | 4168            | how ascertained  | 3344            |
| liability of insurer for loss incurred in rescue of         | 4173            | overrules grammatical construction.                            | 3350            |
| total loss of, defined                                      | 4217            | technical meaning  | 3353            |
| may be abandoned, when (See Abandonment.)                   | 4227            | declarations of, not admissible                                | 3336            |
| belongs to insurer after abandonment                        | 4234            | substantial compliance with, sufficient                        | 3374            |
| after payment as for total loss                             | 4235            | to make ademption, must be expressed in writing                | 3377            |
| valuation of  | 4243, 4243,4257 | of parties to govern interpretation of contract                | 3551            |
| effect of alteration in                                     | 4254, 4254,4255 | ascertained how  | 3552            |
| interest in, when must exist                                | 4112            | from writing alone, when                                       | 3554            |
| effect of change of   | 4113            | superior to terms of written contract,when                     | 3555            |
| property, destruction of with intent to defraud             | 6825--6829      | general words to be restricted by main                         | 3563            |
| <b>INSURER</b> -defined                                     | 4101            | words inconsistent with, to be rejected                        | 3568            |
| who may be  | 4102            | revision of contract so as to conform to                       | 4638            |
| effect of assent of, to transfer of insurance to mortgagee  | 4104            | how ascertained in revision                                    | 4639            |
| what must be communicated by (See                           |                 | <b>INTEREST</b> -in property defined                           | 2687            |
| Concealment-Representation)....                             | 4121, 4195      | joint, defined..   | 2692            |
| may rescind for fraudulent concealment                      | 4127            | partnership, defined   | 2693            |
| breach of warranty exonerates, when...                      | 4164            | in common, defined   | 2694            |
| entitled to premium, when                                   | 4165            | what is ..   | 2695            |
| must return premium, when                                   | 4166-4171       | present, defined   | 2697            |
| must contribute to return of premium, when                  | 4170, 4171      | future, defined  | 2698            |
| liable for what losses                                      | 4172-4175       | limited, defined   | 2700            |
| notice of loss must be given to                             | 4176-4180       | perpetual, defined   | 2699            |
| what defects in, waived by                                  | 4178            | vested, defined  | 2702            |
| must contribute on double insurance ...                     | 4182            | contingent, defined  | 2703            |
| reinsurance by  | 4183-4186       | future, may be in alternative                                  | 2704            |
| in marine insurance, exonerated by certain concealments     | 4198            | not void because improbable                                    | 2705            |
| may rescind for false representation                        | .. 4199, 4200   | posthumous children take, when...                              | 2706            |
| not liable for loss after deviation                         | 4214            | passes by succession, will, or transfer                        | 2707            |
| liability of, when voyage broken up..                       | 4221            | none except those specified                                    | 2711            |
| abandonment to (See Abandonment.)                           | 4226            | when void for suspension of alienation                         | 2716            |
| paying as for total loss, entitled to all that remains      | 4235            | how defeated   | 2727-2730       |
| agents of insured act for, after abandonment                | 4236            | what deemed time of creation of....                            | 2732            |
| mere silence of, is not acceptance of abandonment           | 4237            | present, may be taken under grant, by stranger                 | 3244            |
| of freightage, what belongs to, after abandonment           | 4240            | of partners  | 4031            |
| of ship, what belongs to after abandonment                  | 4240            | insurable (See Insurable Interest.)...                         | 4106            |
| how liable, on refusal to accept abandonment                | 4241            | in real property, is called estate (See Estate.)               | 2709            |
| on loss of profits  | 4245            | of money, defined  | 3718            |
| on damage of thing insured                                  | 4249            | loan presumed to be on   | 3717            |
| for repairs   | 4250            | presumed to be at annual rate                                  | 3719            |
| for contribution by insured                                 | 4252            | rate of, allowed   | 3720, 3720,3721 |
| when insured has claim for contribution                     | 4252            | may be deducted from loan, when....                            | 3722            |
| for partial loss of ship, etc                               | 4253            | unlawful, may be recovered back                                | 3723            |
| may rescind for fraud in valuation...                       | 4243            | borrower on, may recover excess...                             | 3723            |
| in fire insurance, may rescind for alteration, when         | 4254            | on judgment, rate of   | 3724            |
| in life insurance, notice of transfer, etc.,to, unnecessary | 4261            | cannot be compounded   | 3724            |
| <b>INSURRECTION</b> - involuntary deposit may               |                 | rate of, on contract, continues after breach                   | 3725            |
| be made in case of  | 3659            | (See Usury.)   |                 |
| (See Riot.)   |                 | application of payments to                                     | 3457            |
|   |                 | stopped by offer of payment, when...                           | 3477            |
|   |                 | may be required of trustee, when.                              | 3930, 3944      |
|   |                 | special rate of, allowed on bottomry.                          | 4423            |
|   |                 | by way of damages-who entitled to...                           | 4577            |
|   |                 | when in discretion of jury                                     | 4578            |
|   |                 | how waived..   | 4579            |
|   |                 | compound, defined  | 4761            |

# INDEX.

|   | Section.                     |  | Section.              |
|---|------------------------------|--|-----------------------|
| <b>INTEREST</b> -compound- <i>Continued.</i>                  |                              | <b>INTOXICATING LIQUORS</b> - <i>Continued.</i>                    |                       |
| trustee, when liable fer                                      | 3944                         | giving away is selling   | 2212                  |
| on delinquent taxes   | 1610, 1610,1611              | penalty for violation ef the law                                   | 2213                  |
| on dishonored county warrants                                 | 1618                         | no exemption for fines under the law...                            | 2214                  |
| thirty percent to redeem lands sold fertaxes ..               | 1635                         | druggist-may sell without license, when                            | 2215                  |
| paid on dishonored warrants, how noted                        | 1652, 1661                   | must not permit drinking on premises                               | 2216                  |
| rate-of-allowable on claims accepted..                        | 5791                         | penalty for violation  | 2217                  |
| to be mentioned in record of claim...                         | 5795                         | physician giving false prescription, punished hew                  | 2218                  |
| effect of, payment as to                                      | 5811                         | selling te minor unlawful  | 2219                  |
| money ef minor to be placed at                                | 6011                         | peace officers to make complaint for violation ef liquor law       | 2220                  |
| to be computed and added to judgment                          | 5196                         | grand jury-list of licensed persons given to                       | 2221                  |
| due en disbursements, when                                    | 5410                         | to make strict inquiry into violations of liquor law               | 2222                  |
| rebate ef, when   | 5445                         | prohibition by local option  | 2227-2232             |
| money to be placed at, when                                   | 5445                         | petition to county commissioners. ..                               | 2227                  |
| <b>INTERPLEADER</b> -when ordered... .                        | 4885, 4887                   | description of ballets   | 2228                  |
| <b>INTERPRETATION</b> - of grants (See Grant.)                | 3235-3241                    | sale prohibited upon affirmative vote                              | 2229                  |
| ef wills (See Will.)  | 3343-3377                    | when question can be again submitted                               | 2230                  |
| of obligations (See Obligation.)....                          | 3423--3439                   | injunction to restrain sale  | 2231                  |
| of contracts (See Contract.)                                  | 3550-3576                    | conflicting statutes inoperative in counties adopting prohibition  | 2232                  |
| to fellow intention of parties                                | 3343, 3551                   | sale near Dakota university  | 2233-2238             |
| i i whose favor to be made                                    | 3238, 3569                   | Iroquois and Denver  | 2239                  |
| of doubtful words and phrase                                  | 3237, 3344, 3349, 3564, 3569 | en fairgrounds prohibited  | 188                   |
| of repugnances  | 3239, 3347, 3566-3568        | arrest fer violation   | 189                   |
| to be upon the whole instrument. .                            | 3347, 3556                   | illegally granting license to sell                                 | 6914                  |
| all of several related instruments.                           | 3346, 3557                   | selling or giving to Indian prohibited..                           | 6915                  |
| to be reasonable  | 3553, 3556, 4729             | te minors ..   | 6917                  |
| to support the instrument, rather than to avoid it            | 3351, 3558, 4728             | to intoxicated person  | 6917                  |
| to be in ordinary sense ef words ..                           | 3350, 3559                   | to pauper  | 6918                  |
| to be governed by surrounding circumstances                   | 3344,3366,3562               | on Sunday  | 6919, 6920            |
| of technical words  | 3353, 3353,3560              | on election day  | 6295, 6295,6409       |
| of guaranty (See Guaranty.)                                   | 4280-4282                    | to convicts  | 7698, 7750, 7805-7807 |
| of negotiable instruments (See Negotiable Instrument.)        | 4465-4470                    | near religious meeting   | 6254                  |
| of indemnity  | 4269                         | in ceurt house or prison   | 6409                  |
| ef suretyship   | 4300                         | <b>INTOXICATED PERSON</b> -selling liquor to, hew punished         | 6917                  |
| maxims of   | 4721, 4722, 4728, 4729       | <b>INTOXICATION</b> -in public place, how punished                 | 6916                  |
| (See Construtions-Definitions.)                               |                              | no excuse for crime  | 6216                  |
| <b>INTERPRETER</b> -when to be employed.                      | 5316                         | no defense to homicide   | 6445                  |
| attendance ef, hew enforced                                   | 5316                         | may be considered by jury  | 6216                  |
| oath of   | 5316                         | <b>INTRUSION</b> -into office before qualifying                    | 6296                  |
| fees ef ..  | 1433, 5189                   | falsely assuming right to office                                   | 6298                  |
| <b>INTERVENTION</b> -who may intervene and how                | 4886                         | on lands within limits of incorporated village                     | 6695                  |
| <b>INTESTATE</b> -property of, how appliedto payment of debts | 3379                         | into public office, action for                                     | 5348                  |
| <b>INTIMIDATION</b> -ef laborers                              | 6924                         | <b>INVENTORY</b> -to be filed by assignor for benefit ef creditors | 4667                  |
| of employers  | 6925                         | where and when   | 4669-4672             |
| <b>INTOXICATING LIQUORS</b> -defined ...                      | 2223                         | affidavit of truth of, to be filed                                 | 4668                  |
| license for sale ef   | 2203-2226                    | specific legatee must make and deliver                             | 3386                  |
| selling without, unlawful                                     | 2203                         | prima facie evAlence of wife's title                               | 2593                  |
| granted how and fer what time                                 | 2204                         | of estate of ward to be made by guardian                           | 5990, 5998, 6005      |
| city and town authorities may grant                           | 2268, 2209                   | (See Exec-utors and Administrators-- Guardian-Execution.)          |                       |
| may be revoked when   | 2207                         | <b>IRRECONCILABLE WORDS</b> -interpretation ef                     | 3239, 3347,3567       |
| fee, amount of  | 2205                         | <b>ISLANDS</b> -newly formed, who entitled to.                     | 3209                  |
| te be paid into county general fund                           | 2204                         | <b>ISSUE</b> -death without, meaning of                            | 3240                  |
| in unorganized county   | 2225, 2226                   | <b>ISSUES</b> -feigned abolished                                   | 4832                  |
| application for   | 2227                         | defined  | 5027                  |
| bond must be given..  | 2205                         | ef law, how made   | 5028                  |
| liability of commissioners fer approving insufficient         | 2211                         | how tried....  | 5032                  |
| sale of, to habitual drunkard, hew prevented                  | 2206                         | of fact, how made  | 5029                  |
| justice of peace to issue notice for bidding                  | 2206                         |  |                       |
| penalty fer disobeying  | 2206                         |  |                       |
| intoxicated person-dealer liable for...                       | 2210                         |  |                       |
| liable to fine  | 2210                         |  |                       |

# INDEX.

|  | Section.                |   | Section.                        |
|--|-------------------------|---|---------------------------------|
| <b>ISSUES</b> -of fact- <i>Continued</i> .how tried              | 5032                    | <b>JOINT</b> - <i>Continued</i> .                                 |                                 |
| at regular term, when  | 5033                    | parties to contract, any of, may rescind                          |                                 |
| order of on calendar   | 5030, 5030,5034         | it consent of any is not free                                     | 3559                            |
| note of issue  | 5034                    | owners, transfer of interest between, does not avoid insurance    | 4118                            |
| in action to determine conflictingclaims                         | 5457                    | liability of indemnitor and indemnitee is                         | 4268                            |
| of bastardy, what is ..  | 5565                    | authority to three or more officers, may                          |                                 |
| raised by plea of not guilty                                     | 7306                    | be exercised by majority  | 4765                            |
| of fact arise when, in criminal action...                        | 7319                    | <b>JUDGE</b> -in general may take proof or                        |                                 |
| how tried ...  | 7320                    | acknowledgment, when  | 3278-3280                       |
| in probate court, how tried                                      | 5671, 5671,5957         | giving bribes to  | 6326                            |
| in Justices' courts (See 'Justices' Courts.)                     |                         | receiving bribes by   | 6327                            |
| <b>JAILS</b> -to be provided by county commissioners             | 606                     | accepting gifts from parties                                      | 6330                            |
| used as prisons  | 7802                    | are committing magistrates  | 7119                            |
| proceedings when none in county..                                | 7803, 7836              | <b>JUDGE OF DISTRICT COURT</b> -may make order                    |                                 |
| must be kept clean   | 7808                    | in vacation at any place within district                          | 4828                            |
| judges to prescribe rules for government of                      | 7788                    | to grant order for publication of summons                         | 4900                            |
| may amend rules  | 7791                    | of arrest   | 4946                            |
| rules promulgated and preserved, how                             | 7789                    | of injunction   | 4984,4987                       |
| refusal to conform to rules                                      | 7801                    | for affirmative relief in case of disputed mining claims          | 2015                            |
| sheriff-shall post rules   | 7790                    | summary process against corporations, when...                     | 2970                            |
| has charge of jail   | 7792                    | to show cause, when   | 4989                            |
| shall keep jail register   | 7793                    | to sell perishable property                                       | 5182                            |
| shall make report to district court...                           | 7794                    | modifying restraining orders                                      | 5182                            |
| to provide board and necessary articles for prisoners            | 7798                    | to take testimony   | 5318                            |
| to visit jail, when  | 7799                    | for survey  | 5459                            |
| what jail register shall contain                                 | 7793                    | to stay proceedings   | 5324                            |
| jailer to be deputy sheriff                                      | 7800                    | to appoint referee  | 273, 370, 374, 5173, 5178, 5183 |
| grand jury-to visit jail   | 7796                    | to take affidavit   | 5075, 5324                      |
| to be charged by court relating tojailsm                         | 7795                    | to hear objections to appointment of referee                      | 5075                            |
| county commissioners-duty of in relation to jails                | 7797                    | to appoint receivers  | 5015, 5015,5180                 |
| (See Prisons and Imprisonment.)                                  |                         | approve undertaking of receiver                                   | 5018                            |
| <b>JAILER</b> -shall be deputy sheriff                           | 7800                    | to hear and determine motion for new trial                        | 5092                            |
| refusal to conform to jail rules                                 | 7801                    | to settle bill of exceptions                                      | 5083                            |
| to receive and confine prisoners committed by judges of election | 1463                    | orders judgment debtors to appear for examination                 | 5174                            |
| to execute precepts of courts martial..                          | 1964                    | debtors of judgment debtor to appear for examination              | 5176                            |
| (See Jails-Prisons and ImprisonmentSheriff.)                     |                         | property subjected to execution                                   | 5179                            |
| <b>JAMES RIVER</b> -preservation of waters of                    | 2252-2254               | may punish for contempt   | 5185, 5257                      |
| <b>JETTISON</b> -defined   | 3871                    | may order exhibit of documents                                    | 5251                            |
| in what order to be made   | 3872                    | may discharge parties imprisoned for contempt, when               | 5270                            |
| by whom may be made  | 3873                    | may grant commission to take testimony                            | 5288                            |
| loss by, how borne   | 3874                    | orders anywhere in the territory                                  | 5324                            |
| called general average loss                                      | 3875                    | may order pleadings filed   | 5335                            |
| of cargo on deck   | 3877                    | to approve depositions and order same filed, when....             | 5321                            |
| (See Average.)   |                         | to direct notice of application to forfeit charter of corporation | 5347                            |
| <b>JOINDER</b> -of parties plaintiff (See Plain                  | 4877, 4879, 4885, 4886, | to direct who shall keep abstract                                 | 5408                            |
| 4887 of parties defendant (See Defend)                           | 4885, 4886, 4887, 5172, | to grant writs of certiorari, mandamus and prohibition            | 5534                            |
| 5433,5452JOINT-ownership may be                                  | 2691                    | to hear application for discharge from imprisonment               | 5546                            |
| interest defined   | 2692                    | to issue subpoena   | 5261                            |
| tenancy  | 2692                    | to take depositions   | 5285                            |
| obligation may be  | 3424                    | may render judgment   | 5095                            |
| when presumed to be  | 3425                    | habeas corpus, may issue writ of in vacation                      | 7857                            |
| contribution between parties to                                  | 3426                    | failing or delaying to grant, penalty.                            | 7849                            |
| right may be   | 3424                    | refusal to bind witness or prisoner...                            | 7842                            |
| and several, obligation may be                                   | 3424                    | extradition of fugitives from justice...                          | 7644                            |
| contribution between parties to....                              | 3426                    | judicial district-may subdivide                                   | 421                             |
| right may be   | 3424                    | court, term of-appoints in county created by subdivision          | 562                             |
| contract, when presumed to be                                    | 3574                    |   |                                 |
| how sued   | 4901                    |   |                                 |

# INDEX.

|  | Section.               |  | Section.             |
|--|------------------------|--|----------------------|
| <b>JUDGE OF DISTRICT COURT-</b> -court <i>Continued.</i>       |                        | <b>JUDGMENT-</b> <i>Continued.</i>                           |                      |
| held on request of county commissioners, or on his own motion  | 426                    | in case submitted  | 5540-5542            |
| appoints -acting district attorney,when                        | 434                    | not executory against estate, when....                       | 5098                 |
| railroad commissioners in condemnation proceedings             | 3000                   | in attachment-how satisfied                                  | 5006                 |
| clerk of district court  | 439                    | how made up  | 5070, 5095, 5102     |
| stenographer   | 481                    | controlled by allegations of complaint, when                 | 5097                 |
| to charge grand jury regarding jails...                        | 7795                   | entered by clerk on order of court or judge                  | 5059                 |
| directs foreclosure by action instead ofby advertisement, when | 4373                   | in judgment book   | 5101, 5102           |
| transmits accusation for removal of officer, to whom           | 7083, 7094             | docketing, gives lien  | 5104                 |
| directs county treasurer to pay expenses of witness, when      | 7535                   | what is against real property in unorganized                 |                      |
| approves bonds of county and township officers, when ...       | 1376                   | counties, where filed  | 5104                 |
| orders survey of mines in certain cases                        | 2014                   | assignment of-how entered                                    | 5106                 |
| duties pertaining to suits of right of way to mines, etc       | 2018-2028              | rendition of, not affected by death of party, when           | 4884, 5098           |
| bond of assignee for benefit of creditors must be approved by  | 4673                   | now and when debtor relieved against                         | 4939,5107            |
| may require assignee to account, when                          | 4675                   | how canceled and discharged                                  | 5107                 |
| duties pertaining to election contest                          | 1491-1493              | maybe compensated by other judgment                          | 5109, 5458           |
| duties pertaining to complaints of paupers                     | 212156,2157, 2173      | includes costs of prevailing party,                          | 5189,5195, 5356      |
| powers pertaining to location of alleys                        | 1132-1134              | in rem-not affected by discharge of debtor from imprisonment | 5550                 |
| may consolidate appeals in land drainage suits                 | 2064                   | how pleaded in civil actions                                 | 4926                 |
| (See Ofcers-Trial-Contempt-Court. )                            |                        | action on, when allowed                                      | 4831                 |
| <b>JUDGE OF PROBATE COURT</b> (SeeProbate Judge.)              |                        | revival of   | 4882                 |
| <b>JUDGE OF SUPREME COURT</b> -may administer oaths            | 487                    | reversal of-effect on execution sales..                      | 5165                 |
| traveling expenses   | 406,407                | on appeal from justice court, executedby district court      | 5108                 |
| may hold court in other district than his own ..               | 417, 418               | how executed   | 5110-5173, 5539-5542 |
| <b>JUDGMENT</b> -defined                                       | 5024, 5024,5506        | against married woman, levied on her                         |                      |
| limited by amount claimed in complaint                         | 5097, 5097,5447        | separate property only                                       | 5096, 5096,5114      |
| manner of giving, entering and satisfying .                    | 5095-5109              | judgment roll-what constitutes ...                           | 5025, 5025,5103      |
| against indemnitee, when conclusive against indemnitor         | 4269                   | in confession of judgment                                    | 5539                 |
| against surety does not alter his relation                     | 4301                   | in controversy submitted without action                      | 5541                 |
| lien of  | 4448                   | for services of stallion or bull                             | 5489                 |
| interest on ..   | 3724                   | in probate court   | 5957                 |
| of rescission (See Rescission.)                                | 4641                   | injustice courts (See Justice Court.)                        |                      |
| of cancellation (See Cancellation.)                            | 4644                   | against executor or administrator effect of                  | 5802                 |
| in action to foreclose mortgage, what                          | 4932, 5431             | against intestate before death, how collected                | 5803                 |
| of partition   | 5369, 5369,5376        | against defendant dying after verdict, but before judgment   | 5804                 |
| of bastardy  | 5566                   | in criminal actions  | 7455-7473            |
| against debtors  | 5240                   | court appoints time for                                      | 7455                 |
| against joint and several debtors                              | 4901                   | must be two days after verdict-exceptions                    | 7456                 |
| for injury by trespassing animals                              | 5573                   | in case of misdemeanor may be pro                            |                      |
| on counterclaim  | 4919,5025,'6096 , 5458 | nounced in defendant's absence....                           | 7457                 |
| against intruder into office                                   | 5356                   | officer to produce defendant                                 | 7458                 |
| in certiorari  | 5513-5516              | bench warrant-to be issued when defendant on bail            | 7459                 |
| for recovery of possession of personal property                | 5099                   | clerk to issue   | 7460                 |
| for sale of land   | 5100                   | form of  | 7461                 |
| against surety on bond   | 5212                   | how served   | 7462                 |
| in case of frivolous defense                                   | 5026                   | defendant brought into court on....                          | 7463                 |
| on default of answer, how....                                  | 4911, 5025, 5097       | informed of verdict  | 7464                 |
| of reply to counter claim                                      | 4919                   | may show' cause why judgment                                 |                      |
| of forfeiture against corporation ...                          | 5357-5360              | should not be pronounced                                     | 7465                 |
| by confession  | 5537-5539              | rendered ..  | 7466                 |
| may be rendered after death of defendant                       | 4884,5098              | further evidence heard in aggravation or mitigation          | 7467                 |
|  |                        | evidence presented in open court or by deposition            | 7468                 |
|  |                        | no other evidence received                                   | 7469                 |
|  |                        | on two offenses  | 7470                 |
|  |                        | of fine and imprisonment                                     | 7471                 |
|  |                        | on special verdict   | 7472                 |
|  |                        | on informal verdict  | 7473                 |
|  |                        | of fine creates a lien                                       | 7472                 |

# **INDEX.**

|   | <i>Section.</i> |  | <i>Section.</i>  |
|---|-----------------|--|------------------|
| <b>JUDGMENT</b> -in criminal actions- <i>Continued.</i>             |                 | <b>JURY</b> - <i>Continued.</i>  |                  |
| papers filed by the clerk   | 7473            | in town justice's court (See Towns.)in justices, court (See Justice Court.) in coroner's inquest (See Coroner.)sheriff's, what | 5002, 5125       |
| copy furnished officer  | 7474            | person alleged to be of unsound mindentitled to  | 2655             |
| is suspended if defendant is found                                  |                 | special summoned to try sanity of defendant sentenced to death   | 7484             |
| insane .  | 7570            | of three physicians to inquire into  |                  |
| pleading in criminal actions  | 7252            | pregnancy of female sentenced to death   | 7489             |
| execution of (See Execution.)....                                   | 7474-7498       | (See Grand Jury-Petit Jury,-Struck Jury.)  |                  |
| arrest of   | 7452-7454       | <b>JUSTICE OF THE PEACE</b> -office kept where   | 6041             |
| motion for may be made, when  | 7452            | when county lines are changed  | 6128             |
| court may arrest on its own motion                                  | 7453            | bond   | 1297, 1374       |
| is not a bar  | 7453            | fees   | 1420             |
| defendant guilty but indictment insufficient                        | 7454            | certificate of official character to be furnished  | 3288             |
| <b>JUDICIAL DISTRICTS</b> - judge may subdivide                     | 421             | quarterly report to county board..   | 6184-6188        |
| venue in case of  | 419, 420        | contents   | 6185             |
| issue and service of writs and process                              | 422             | must pay over money, fines, etc  | 6186             |
| court expenses, how paid  | 423,424         | penalty for neglect  | 6187             |
| in case of division of county                                       | 561-564         | county, elected in all counties  | 715              |
| <b>JUDICIAL SALE</b> - what warranty is implied on                  | 3641            | may administer oaths   | 487              |
| (See Execution-Judgment.)   |                 | may act as coroner, when   | 671              |
| <b>JURISDICTION</b> -local, of public offenses                      | 7096-7112       | duties pertaining to complaints of paupers   | 2153, 2153,2173  |
| of offenses committed within the territory                          | 7097            | to estrays and lost goods  | 2292-2310        |
| .n two counties   | 7100            | may forbid sale of liquor to habitual drunkard   | 2206             |
| on boundary of county   | 7101            | assists in canvassing vote, when   | 1471             |
| on board a vessel   | 7102            | duties pertaining to filling vacancies in township officers  | 752              |
| in case of duel   | 7098            | may solemnize marriages  | 2544             |
| for kidnaping   | 7103            | may bind apprentice, when  | 2657, 2659       |
| for decoying child under age of 12 years                            | 7103            | consent of necessary to apprentice ship of Indian  | 2660             |
| for enticing away unmarried female                                  | 7103            | indenture of immigrant apprentice to be acknowledged before  | 2666             |
| under age of 21 years, for prostitution                             | 7103            | may call meeting of stockholders of corporation, when  | 2932             |
| under 16 years  | 7103            | may take proof or acknowledgment...  | 3278             |
| for bigamy or incest  | 7104            | duties of, in taking proof, etc  | 3281, 3287, 3288 |
| in case of stolen property carried into another county              | 7105            | may issue subpoenas  | 5261             |
| brought into territory  | 7110            | may take depositions   | 5285             |
| of accessory  | 7106            | may appoint appraisers to assess damages   | 5502,5504        |
| on indictment for escape  | 7109            | records of, are evidence   | 5305             |
| for murder or manslaughter  | 7111            | may enforce liens  | 5497             |
| when principal is not present                                       | 7112            | purchasing demands or suits by....   | 6396, 6396,6400  |
| (See Supreme Court, District Court,-Pro bateCourt,-Justices Court.) |                 | loans on claims for collection.  | 6397, 6399, 6400 |
| <b>JURORS</b> , generally-qualifications                            | 443             | duties pertaining to juvenile offenders.   | 7778             |
| who are exempt  | 443, 1980       | (See Justice's Court-Officers.)  |                  |
| summoned on order of court  | 444, 444,445    | <b>JUSTICE'S COURT</b> -always open for the  |                  |
| how drawn in counties with township organization                    | 451-459         | transaction of business  | 6041             |
| in counties without   | 446-450         | jurisdiction   | 6042             |
| in judicial subdivision of more than one county                     | 460, 460,461    | <b>CIVIL ACTIONS</b> in  | 4829, 6041-6144  |
| when to appear  | 445a            | place of trial   | 6044-6049        |
| penalty for failure   | 445e            | must be in county where defend   |                  |
| how selected to supply failure                                      | 445b            | ant resides or where he is summoned  | 6044             |
| to complete special panel   | 445c            | change of-causes for   | 6045             |
| selection of citizens in rotation                                   | 445d            | but one  | 6046             |
| fees of....   | 1426            | where to   | 6046             |
| how taxed   | 1427, 1428      | proceedings on   | 6047             |
| either party may challenge  | 5039            | jurisdiction of new court  | 6045             |
| oath of   | 5046            | in cases involving title or boundary of lands  | 6049             |
| bribery   | 6326,6327       | in forcible entry and detainer   | 6076             |
| misconduct...   | 6329            | commencement of action   | 6050-6057        |
| accepting gifts from parties  | 6330            | by summons or voluntary appear   |                  |
| attempting to influence   | 6332            | ance   | 6050             |
| fraudulent drawing of   | 6333            |  |                  |
| having personal knowledge of offense must so declare                | 7398            |  |                  |
| taken sick on trial   | 7401            |  |                  |
| <b>JURY</b> -in city justice's court (See Cities.)                  |                 |  |                  |



# INDEX.

|  | Section.   |   | Section.         |
|--|------------|---|------------------|
| <b>JUSTICE'S COURT-civil actions-commencement-Continued.</b> |            | <b>JUSTICE'S COURT-civil actionsjudgment-Continued.</b> |                  |
| summons-must contain what                                    | 6053       | entered at once after verdict                           | 6104             |
| when defendant must appear                                   | 6054       | at close of trial by the court....                      | 6105             |
| when served in another county...                             | 6055       | in action to recover personal                           |                  |
| time   | 6055       | property, how   | 5099, 5099,6106  |
| who may serve  | 6056       | excess remitted   | 6107             |
| by publication, when   | 6056       | offer of costs  | 6108             |
| one hour for appearance                                      | 6057       | costs to prevailing party                               | 6109             |
| appearance-in person or by attorney                          | 6051       | transcript  | 6110             |
| of infant, by guardian                                       | 6052       | in forcible entry and detainer                          | 6078             |
| time for   | 6054       | executions  | 6111-6117        |
| both parties allowed one hour....                            | 6057       | must issue in five years                                | 6111             |
| pleadings  | 6058-6066  | requisites of   | 6112             |
| pleading-manner of   | 6058       | when on money judgment.... ..                           | 6113             |
| order of   | 6059       | when for possession of personality..                    | 6114             |
| complaint, requisites of                                     | 6060       | in forcible entry and detainer                          | 6115             |
| demurrer, when   | 6061       | renewal Of  | 6116             |
| proceedings on   | 6064       | sale of personalty under ...                            | 5110-5173, 6117  |
| answer   | 6062       | stay of, on appeal                                      | 6133, 6135       |
| demurrer to  | 6063       | contempts   | 6118-6122        |
| proceedings on   | 6064       | acts which constitute                                   | 6718             |
| amendments   | 6065       | when in view of justice                                 | 6119             |
| pleading to  | 6066       | when not  | 6120             |
| attachments :  | 6067-6070  | limitation of penalty                                   | 6121             |
| when writ may issue  | 6067       | conviction entered in docket                            | 6122             |
| undertaking by plaintiff                                     | 6068       | dockets   | 6123-6128        |
| writ to contain what   | 6069       | entries ....  | 6123             |
| service and return of  | 6070       | when and how made                                       | 6124             |
| claim and delivery   | 6071       | index   | 6125             |
| forcible entry and detainer                                  | 6072-6081  | records and files to go to successor.                   | 6126             |
| jurisdiction   | 6072       | when there is a vacancy in office..,                    | 6127             |
| .action may be maintained, when...                           | 6073       | new, powers of justice receiving new county             | 6128             |
| notice to quit required                                      | 6074       | appeals   | 6129-6136        |
| legal representatives may bring action                       | 6075       | how taken-notice  | 6129             |
| verified complaint must be filed....                         | 6076       | on questions of law-statement of the case               | 6130             |
| return day-adjournment                                       | 6077       | of fact   | 6131             |
| judgment shall be what                                       | 6078       | copy of docket and papers transmitted                   | 6132             |
| execution on   | 6115       | undertaking-stay  | 6133             |
| undertaking upon stay of                                     | 6134       | in forcible entry and detainer                          | .6181, 6134      |
| attorney's fees allowed as costs ....                        | 6079       | order fer stay  | 6135             |
| no joinder of actions  | 6080       | powers of district court on                             | 6136             |
| appeals  | 6081, 6134 | general provisions                                      | 6137-6144        |
| default-judgment by  | 6082       | justice may issue process to any                        |                  |
| presumed, when   | 6083       | part of the county                                      | 6137             |
| time of trial  | 6084-6088  | all process must be without blank .                     | 6138             |
| commencement- adjournment                                    | 6084       | justice receives all money collected                    | 6139             |
| postponement by court  | 6085       | another justice may hold court ....                     | 6140             |
| by consent   | 6086       | security for costs from non-resident                    | 6141             |
| on application by party                                      | 6087       | costs to prevailing party                               | 6109, 6142       |
| if longer than ten days, undertaking required                | 6088       | attorney's fee allowed                                  | 6079, 6079,6143  |
| trials   | 6089-6101  | code of civil procedure applicable..                    | 6144             |
| issues-classified  | 6089       | takes judicial notice of the existence of cities        | 847              |
| ef law .   | 6090       | proceedings in case of highway appeals                  | 1324-1326        |
| tried by court   | 6092       | CRIMINAL ACTIONS-jurisdiction                           | 6043,7043        |
| of fact  | 6091       | non-indictable offenses                                 | 6043, 7043       |
| tried by jury  | 6093       | indictable offenses – committing magistrate             | 6043, 6145, 7043 |
| jury-hew waived  | 6094       | in cases of security to keep the peace                  | 6146             |
| how drawn ...  | 6096       | assault er assault and battery..                        | 6508, 6509       |
| challenges and talesmen                                      | 6097       | petit larceny   | 6785,6509        |
| less than twelve, when                                       | 6098       | over unorganized counties in same judicial subdivision  | 425              |
| oath   | 6099       | fees and costs paid by territory when                   | 425              |
| production and inspection of papers                          | 6100       | procedure   | 6145-6183        |
|  |            | sworn complaint   | 6147             |
|  |            | warrant   | 6148, 6148,6149  |

# INDEX.

|  | Section.        |   | Section    |
|--|-----------------|---|------------|
| <b>JUSTICE'S COURT</b> -criminal actions-procedure   |                 | <b>KIDNAPING</b> -person kidnaped- <i>Continued.</i> removal of | 6476       |
| -warrant- <i>Continued.</i> served in another county | 6149            | officer granting process of                                     | 6477       |
| docket   | 6150            | <b>LABOR</b> -prohibited on first day of the week               | 6242       |
| trials in  | 6151-6171       | hours of for women and children                                 | 6931       |
| change of venue                                      | 6153, 6153,6154 | time allowed discoverer of mine to perform                      | 2004,2009  |
| jury   | 6157-6165       | amount of, to be performed annually                             |            |
| court decides the law-no charge to jury              | 6161            | by discoverer   | 2009       |
| new, when jury discharged                            | 6166            | <b>LABORERS</b> -intimidation of                                | 6924,6925  |
| judgment   | 6167-6171       | in mines  | 6926       |
| copy of judgment of imprisonment given to sheriff    | 6172            | <b>LAND</b> -defined (See Real Property.)                       | 2680       |
| may sentence offenders to hard labor                 | 7814            | unlawful intrusions upon  | 6695       |
| custody until fine is paid                           | 6173            | in suit, purchasing is a misdemeanor...                         | 6388, 6390 |
| may discharge indigent prisoner held for fine        | 7825            | <b>LAND DRAINAGE</b> -(See Drainage)                            | 2047-2078  |
| finest paid over to treasurer                        | 6174            | <b>LANDLORD</b> -must repair, when                              | 3737       |
| bail allowed before conviction....                   | 6175            | tenant may repair at expense of, when.                          | 3738       |
| subpoena   | 6176            | acceptance of rent by, renews lease, when                       | 3741       |
| contempts  | 6176            | tenant must inform of adverse proceeding                        | 3744       |
| trials-commencement by complaint                     | 6147            | may not le room in parts  | 3745       |
| plea must be oral                                    | 6151            | relation of, how terminated at will                             | 2755-2757  |
| of guilty, proceedings on                            | 6151            | tenant may be joined with landlord as defendant                 | 4878       |
| of not guilty, case to be tried                      | 6152            | not affected by judgment in partition, when                     | 5377       |
| change of place                                      | 6153, 6153,6154 | liable for waste, when  | 5466.      |
| postponement..                                       | 6155            | may be restrained from committing waste                         | 5448       |
| defendant must be present                            | 6156            | joint proceedings against landlord and                          |            |
| jury in  | 6157-6165       | tenant after judgment   | 5240-5245  |
| retrial  | 6166            | <b>LANDMARKS</b> -removing or destroying.                       | 6900       |
| judgment   | 6167-6171       | <b>LARCENY</b>  | 6780-6795  |
| prosecuting witness pays costs,when                  | 6169            | defined   | 6780       |
| jury   | 6157-6165       | of lost property  | 6781       |
| how formed   | 6157            | classified..  | 6782       |
| challenges   | 6158            | grand, defined  | 6783       |
| oath   | 6159            | punishment for  | 6781       |
| duty upon trial                                      | 6160            | petit, defined  | 6783       |
| deliberations  | 6162            | punishmentfor   | 6785       |
| verdict  | 6163,6164       | justice to have jurisdiction                                    | 6509       |
| discharge  | 6165            | from house or vessel, punishment for..                          | 6786       |
| judgment   | 6167-6171       | in night time from person, punishment for                       | 6787       |
| on conviction or plea of guilty ...                  | 6167            | of written instrument   | 6788       |
| of fine liquidated by imprisonment, how              | 6168            | passage ticket  | 6789       |
| of acquittal, defendant discharged                   | 6169, 6171      | securities  | 6790       |
| to be immediately entered                            | 6170            | severed fixtures  | 6791       |
| appeals  | 6177-6183       | wrecked goods   | 6791       |
| justice to notify defendant of right                 | 6177            | receiving stolen property                                       | 6793       |
| defendant may give oral notice....                   | 6177            | misappropriation of casks, etc., with                           |            |
| issues of law or fact tried anew in district court   | 6177            | owner's name thereon, deemed                                    | 2445       |
| may be taken as in civil actions....                 | 6178            | fraudulent consumption of gas                                   | 6794       |
| undertaking on may be taken by                       |                 | embezzlement of insurance funds by agent is                     | 3079       |
| any magistrate in county                             | 6180            | committed out of, and property brought into territory           | 6795       |
| of witnesses   | 6181            | of public records-by officers having custody                    | 6348       |
| justice to transmit papers to clerk                  | 6182            | by other persons  | 6349       |
| cannot be dismissed                                  | 6183            | jurisdiction of, in what county                                 | 7105       |
| (See Cities-Towns.)                                  |                 | of bank notes etc., how charged in indictment                   | 7257       |
| <b>JUSTIFICATION</b> -of sureties in arrest and bail | 4958-4962       | <b>LAUNDRY</b> (See License.)                                   |            |
| in claim and delivery.....                           | 4976-4979       | <b>LAW</b> -definition of                                       | 2501       |
| in attachment  | 5010            | how expressed   | 2502       |
| on appeal  | 5232            | common, what  | 2503       |
| on administrator's bond                              | 5371,5372       | 'of nations, part of common law                                 | 2503       |
| <b>JUVENILE OFFENDERS</b> -may be punished, how      | 6953            | domestic or municipal   | 2503       |
| imprisonment of (See Reform School.).                | 7838            | performance excused, if prevented by.                           | 3479       |
| <b>KIDNAPING</b>                                     | 6474-6177       |   |            |
| punishment for                                       | 6474            |   |            |
| person kidnaped, selling services of...              | 6475            |   |            |

# INDEX.

|   | Section.        |  | Section.         |
|---|-----------------|--|------------------|
| <b>LAW-Continued.</b>                                 |                 |  |                  |
| mistake of, deflned..                                 | 3513            |  |                  |
| interpretation of will to be governed by what         | 3397            | <b>LEGISLATURE-crimes against-Continued.</b>                   |                  |
| of contract to be governed by what                    | 3561            | preventing meetings of   | 6314             |
| certain things implied in contract from,              | 3571            | disturbing, while in session                                   | 6315             |
| carrier not liable for act of                         | 3899            | compelling adjournment   | 6316             |
| of other state or country, how proved..               | 5302            | intimidating member  | 6317             |
| ignorance of, no excuse for crime                     | 6215            | compelling performance or omission of act                      | 6318             |
| court decides questions of                            | 7372            | bill, altering-draft of  | 6319             |
| <b>LAWFUL-what is not</b>                             | 3577            | engrossed copy of  | 6320             |
| contract interpreted so as to make it                 | 3558            | members-giving bribes to                                       | 6321             |
| <b>LEASE-limitations of</b>                           | 2719, 2719,2859 | receiving bribes by  | 6322             |
| terms of, when and how changed                        | 2777            | forfeit office, when   | 6325             |
| of building for unlawful purposes..                   | 6573, 6586      | witness summoned, refu Sing to attend                          | 6323             |
| for more than one year should be recorded             | 3293            | refusing to testify  | 6324             |
| should be in writing                                  | 3245            | <b>LEGITIMACY-of children, how affect</b>                      |                  |
| (See Landlord- Tenant - Hirer - HiringPowers.)        |                 | ed by divorce of parents .                                     | 2555, 2573, 2574 |
| <b>LEGACY-various kinds of</b>                        | 3378            | presumption of   | 2601             |
| specific  | 3378            | who may dispute  | 2603             |
| demonstrative   | 3378            | <b>LENDER-for use retains title to thing lent</b>              | 3699             |
| residuary   | 3378            | entitled to increase of thing lent                             | 3699             |
| general   | 3378            | consent of, necessary to loan by borrower                      | 3705             |
| property, how applied to payment of..                 | 3381            | must compensate borrower for certain expenses                  | 3706             |
| how applied to payment of debts                       | 3380            | for injuries caused by concealed vices of thing lent           | 3707             |
| to kindred, etc., chargeable only after others        | 3382            | for loss caused by compulsory return of loan, when             | 3708             |
| abatement in  | 3383            | may require return of loan at anytime                          | 3708             |
| specific, title passes by                             | 3384            | for exchange cannot require borrower                           |                  |
| possession of, how obtained                           | 3384            | to return loan before time agreed upon                         | 3713             |
| for life, inventory to be given of                    | 3386            | of money may not take usury                                    | 3723             |
| of income, when accrues                               | 3387            | on usury must restore all he has received                      | 3723             |
| may be satisfied                                      | 3388            |  |                  |
| when due  | 3389            | upon bottomry may enforce contract,when                        | 4423             |
| interest on   | 3390            | when,uothing due to  | 4426             |
| partial distribution on partition ....                | 5919-5923       | lien of,` how lost   | 4428             |
| <b>LEGATEE-for life must make inventory, etc</b>      | 3386            | (See Loan.)  |                  |
| when exempt from liability for payment of debts       | 3398, 5846      | <b>LESSEE (See Hiring.)</b>                                    |                  |
| when liable to contribution                           | 5847            | <b>LESSOR (See Hiring-Letter.)</b>                             |                  |
| joint proceeding against after judgment               | 5240-5245       | <b>LETTER-upon hire, must secure quiet possession to hirer</b> | 3728             |
| <b>LEGISLATION-not to be restrained by injunction</b> | 4650            | remedies of, against hirer misusing property                   | 3731             |
| <b>LEGISLATURE-elections of members biennially</b>    | 11              | may terminate hiring, when                                     | 3732             |
| sessions held when and where                          | 2               | of real property must put in propercondition, when             | 3737             |
| members-privilege of                                  | 3               | must repair it, when   | 3737             |
| apportionment of                                      | 26-49           | liable to hirer for certain expenditures                       | 3738             |
| oath of   | 6,7             | acceptance of rent by, renews lease,when ..                    | 3741             |
| each house judges of qualifications of                | 9               | of personal property must deliver it to hirer                  | 3746             |
| punishment by each house for offense.                 | 4,5             | must secure hirer in quiet enjoyment                           | 3746             |
| committees may administer oaths                       | 8               | must put it into proper condition....                          | 3746             |
| contested seats                                       | 9               | must repair it, when   | 3746             |
| council and house-officers of                         | 10              | must bear extraordinary expenditures                           | 3747             |
| how elected   | 11              | liable to hirer for certain expenditures H..n.gg...)           | 3748             |
| may remove officers-vacancies how filled              | 17              | (See   |                  |
| chief clerk-duties of                                 | 12-15           | <b>LETTERS-sending is complete, when..</b>                     | 6941             |
| compensation of                                       | 16              | private, ownership of  | 3198             |
| subordinate officers and their duties ...             | 18-25           | sealed, opening and reading                                    | 6908             |
| may inspect books of territorial auditor              | 76              | threatening, sending, to extort money.,                        | 6813             |
| accounts of territorial treasurer                     | 92              | <b>LETTERS OF ADMINISTRATION (See</b>                          |                  |
| cannot interfere with primary disposal of the soil    | 2684            | <i>Executors and Administrators - Prof</i>                     |                  |
| powers of in relation to conviction for treason       | 7596            | <i>bate Court.</i>   |                  |
| discretionary power to modify or re                   |                 |  |                  |

# INDEX.

|  | Section.        |   | Section.  |
|--|-----------------|---|-----------|
| <b>LICENSE</b> - peddlers - territorial- <i>Continued.</i> |                 | <b>LETTERS OF CREDIT</b> -defined                               | 4312      |
| charges for  | 2433            | inay be addressed to whom                                       | 4313      |
| how obtained   | 2434            | writer of, liable to whom                                       | 4314      |
| penalty for peddling without                               | 2435            | without notice, when  | 4319      |
| of attorneys   | 462             | only for credit duly given                                      | 4320      |
| court may revoke or suspend                                | 472             | general, defined  | 4315      |
| physicians must have                                       | 205             | any person may give credit under....                            | 4316      |
| for handling grain   | 160-162         | several persons may give credit under                           | 4317      |
| for sale of intoxicating liquors                           | 2203-2226       | special, defined  | 4315      |
| illegally granting (See IntoxicatingLiquors.)              | 6914            | when deemed continuing guaranty                                 | 4318      |
| of telegraph lines, how obtained, etc.                     | 1577-1581       | credit given must agree with terms of.                          | 4320      |
| sale of passage tickets                                    | 3022, 3022,3023 | (See Guaranty-Surety.)  |           |
| of ferries..   | 6662, 6662,6663 | <b>LETTERS OF GUARDIANSHIP</b> (See Guardians.)                 |           |
| <b>LIEN</b> -defined                                       | 4321            | <b>LETTERS PATENT</b> -may be recorded without proof            | 3268      |
| accessory to some obligation                               | 4341            | <b>LETTERS TESTAMENTARY</b> (See Executors and Administrators - |           |
| general, defined   | 4323            | Probate Court.)   |           |
| special, defined   | 4324            | <b>LIABILITY</b> -indemnity against, effect of                  | 4269      |
| what contracts are subject to law of...                    | 4325            | oil bottomry bond, cannot be personal.                          | 4425      |
| how created ..   | 4326-4329       | what, may be provided for by assign                             |           |
| by operation of law does not exist until performance due   | 4327            | inent for benefit of creditors                                  | 4662      |
| may be created upon property not acquired                  | 4328            | <b>LIBEL</b> -(See Libel and Slander.)....                      | 6511-6520 |
| as security for future obligation                          | 4329            | defined   | 2528,6511 |
| effect of  | 4330-4334       | is a misdemeanor  | 6512      |
| cannot transfer title                                      | 4330            | malice presumed   | 6513      |
| does not imply any personal obligation                     | 4332            | truth given in defense  | 6514      |
| confined to original obligation                            | 4333            | publication defined   | 6515      |
| ` holder of, not entitled to compensation for trouble      | 4334            | liability of editors, authors, and publishers                   | 6516      |
| may pledge its subject to extent of lien                   | 4396            | privilege in regard to judicial, legisla                        |           |
| priority of, according to creation                         | 4335            | tive and public proceedings                                     | 6517      |
| mortgage over other  | 4336            | limitation of....   | 6518      |
| order of resort in case of                                 | 4337            | privileged communications                                       | 6519      |
| redemption from, who has right of                          | 4338            | threatening to publish  | 6520      |
| when inferior lienor has right of                          | 4339            | indictment for  | 7254      |
| how made   | 4340            | trial of, j ury decides law and fact                            | 7373      |
| cannot be restrained                                       | 4331            | verdict in, must be general in form                             | 7420      |
| extinguished, how  | 4341            | <b>LIBEL AND SLANDER</b> -action for                            |           |
| by sale or conversion of subject                           | 4342            | barred after two years  | 4852      |
| not by lapse of time                                       | 4343            | complaint in, what to be stated                                 | 4925      |
| not by partial performance of obligation                   | 4344            | answer to, what may be pleaded....                              | 4930      |
| by restoration of subject to owner ...                     | 4345            | costs limited by damages recovered                              | 5191      |
| of seller of real property                                 | 4436            | <b>LIBRARY</b> , public-how established                         | 1142-1148 |
| how waived   | 4437            | directors-how appointed   | 1143      |
| against whom valid   | 4438            | duties and powers of  | 1144      |
| of seller of personal property                             | 4439            | to report to board of education or supervisors                  | 1146      |
| of buyer of real property                                  | 4440            | reading room and library to be free....                         | 1145      |
| for services on personal property                          | 4441            | donations to  | 1147,1148 |
| of factor  | 4442            | city, village, or township may appropriate funds for, when      | 1148      |
| of banker  | 4443            | (See Territorial Library.)                                      |           |
| of shipmaster  | 4444            | corporations-for, maybe formed (See Corporations.)              | 2900      |
| of mates and seaman..                                      | 4445            | <b>LICENSE</b> -laundry   | 2436-2442 |
| of sheriffs and similar officers                           | 4446            | public laundry defined  | 2442      |
| of attorney  | 4447            | who required to procure   | 2436      |
| of judgment  | 4448            | who may grant   | 2437      |
| of mechanic  | 4449, 4450      | authority under   | 2438      |
| of party selling to railway corporation                    | 2982            | temporary permits   | 2439-2440 |
| stoppage in transit as mode of enforcement                 | 4451-4454       | penalty for conducting without                                  | 2441      |
| does not revoke prior will                                 | 3333            | pawnbroking without   | 6603      |
| for freightage, ship's manager cannot give up              | 4026            | peddlers and auctioneers  | 2426-2432 |
| of partner upon partnership property.                      | 4034            | must have   | 2426      |
| on what mortgage is  | 4356            | granted by county board   | 2427      |
| against whom mortgage is                                   | 4357            | authority under   | 2428      |
| of pledge is dependent on possession..                     | 4394            | temporary, county clerk may grant when                          | 2429      |
| damages for conversion of property subject to              | 4605            | revocable by county board                                       | 2430      |
|  |                 | penalty for selling without                                     | 2431      |
|  |                 | exception   | 2432      |
|  |                 | territorial-to peddlers   | 2433-23   |

# INDEX.

|  | Section.         |   | Section.        |
|--|------------------|---|-----------------|
| <b>LIENOR-Continued.</b>                                 |                  | <b>-LIEN-Continued.</b>   |                 |
| inferior, may redeem                                     | 4338             | of attorney far compensation                                      | 470, 470,471    |
| may be subrogated, when                                  | 4339             | of pound master for charges                                       | 828             |
| conversion of property by, extinguishes lien             | 4343             | for taxes on real property in general...                          | 1612            |
| restoration of property to owner by,effect of            | 4345             | subrogation in case of tax purchase ....                          | 1626            |
| may pledge to extent of lien                             | 4396             | of judgment against county  | 573             |
| to be made party in partition                            | 5363             | for fees in matter of estrays                                     | 2305            |
| not unless of record                                     | 5361             | vendor's attaches on homestead                                    | 2453            |
| holding other security, how treated....                  | 5382             | against retail liquor dealer, when                                | 2214            |
| becoming purchaser receipts for his                      |                  | on estates of decedents how paid on                               |                 |
| lien as part of purchase price                           | 5396             | sale of property  | 5852            |
| must enforce, on demand of owner                         | 5483             | lienor may purchase land sold under order of probate court        | 5853            |
| may purchase at administrator's sale ..                  | 5853             | writ of execution not lien on personal                            |                 |
| (See Mortgagee-Pledgee.)                                 |                  | property before actual levy                                       | 5121            |
| <b>LIGHTER</b> -freight may be delivered on,when .       | 3849             | other security exhausted before enforcing                         | 5382            |
| <b>LIGHTS</b> -to be kept on shipping                    | 2885             | mechanics'-who may hold   | 5469            |
| <b>LIMITATION</b> -clear and distinct when               |                  | for what allowed  | 5469            |
| not controlled by other words                            | 3236             | avoided   | 5468            |
| of legislative power to restrict disposal of the soil    | 2684             | homestead liable for  | 2452            |
| of term of lease of real estate                          | 2719             | claims for lightning rods not a                                   | 5469            |
| as to marriage   | 2715             | sub-contractors-how secured                                       | 5470, 5470,5471 |
| of assessments on stock subscriptions.                   | 2944             | notice to railroad companies and contractors presumed             | 5471            |
| of grant contingent on a fee                             | 2737             | must be filed in sixty days                                       | 5471            |
| of corporate powers to declare dividends                 | 2928, 2929       | limitation of owner's liability, under.                           | 5471            |
| of contract for personal service                         | 3761             | statement-may file in six months....                              | 5472            |
| lien not extinguished by                                 | 4345             | must be supported by affidavit                                    | 5472            |
| for redeeming stock sold under assessment                | 2959             | notice of filing to be served on contractor and owner             | 5472            |
| for corporate franchise                                  | 2968             | roceeds of incumbered property applied to cancel.. ...            | 5381            |
| in grants.....   | 3235-3241        | on real property-of defendant in bastardy                         | 5562            |
| as to time-in civil proceedings mustbe pleaded by answer | 4833             | outstanding on, holders of, made parties to action ..             | 5371            |
| as to real property                                      | 4834-4847        | follows owner's share in partition....                            | 5379            |
| other cases  | 4848-4857        | for keeping and pasturing stock...                                | 5486, 5487      |
| interrupted by commencement of action                    | 4854             | for services of stallion or bull                                  | 5488, 5488,5489 |
| disability and other causes                              | 4859-4869        | for seed grain ..   | 5490-5495       |
| cannot be pleaded after judgment...                      | 5243             | on chattels-action of foreclosure                                 | 5496            |
| when beginning to run and how computed                   | 4805             | jurisdiction in   | 5497            |
| interrupted only by promise in writing                   | 4869             | demand may be maolieor to enforce                                 | 5482            |
| to annul marriage  | 2551             | miners  | 2039-2046       |
| for divorce  | 2571             | for work and materials  | 2039            |
| for disaffirmance of minor's contract                    | 2516             | labor performed for contractor, owner                             |                 |
| for discharge of guardian                                | 2656             | to pay when   | 2040            |
| to redeem land sold for taxes                            | 640              | duty of owner on presentation of account                          | 2041            |
| as to infants, idiots and insane persons                 | 1635             | amount due may be recovered, how..                                | 2042            |
| of right to contest probate of will                      | 5680, 5686       | lienor to make and file itemized statement                        | 2043            |
| of absentee to contest probate of will                   | 5665             | judgment-holder of may obtain                                     | 2044            |
| double time to petition revocation of nuncupative will   | 5695             | satisfaction of, on payment                                       | 2045            |
| of time for presentation of claims                       | 5785, 5787, 5791 | animals-for damage by trespassing....                             | 5573            |
| of action on rejected claim                              | 5794             | exposed, for charges of care of                                   | 6886            |
| claims barred by, not to be accepted.                    | 5797             | judgment for fine constitutes a                                   | 7472            |
| of time for probating nuncupative will                   | 5691             | in general how created  | 5381            |
| vacancy in administration suspends..                     | 5799             | priority of   | 5478            |
| infancy and insanity suspend                             | 5686             | extent of   | 5479            |
| claims presented, suspended pending litigation           | 5853             | on leased land  | 5479            |
| of action-by heir to recover estate                      |                  | superior to mortgage, when  | 5480            |
| sold by administrator                                    | 5856, 5856,5857  | action to enforce   | 5481, 5481,5482 |
| by ward to recover estate sold byguardian                | 6037             | satisfaction of   | 5484            |
| for recovery of estate sold by guardian                  | 6038             | penalty for not acknowledging                                     | 5484            |
|  |                  | (See Bottomry-Mortgage-Pledge-Respondentia-Stoppage ira Transit.) |                 |
|  |                  | <b>.LIENOR</b> -can have no title to subject oflien               | 4330            |
|  |                  | cannot hold property for other claims .                           | 4330            |
|  |                  | not entitled to compensation for trouble,etc                      | 4334            |
|  |                  | must resort to funds, in what order ....                          | 4337            |

# INDEX.

|  | Section.        |  | Section.         |
|--|-----------------|--|------------------|
| <b>LIMITATION-</b> <i>Continued.</i> of commencement of            |                 |  |                  |
| criminal actions   | 7113-7116       | <b>LOSS-</b> Continued.to be shared by partners equally    | 4032             |
| no limit in case of murder   | 7113            | <b>LOST GOODS</b> taking up, proceedingssame as in estrays | 2310             |
| in other crimes, three years                                       | 7114            | concealment of   | 6929             |
| absence of defendant not included...                               | 7115            | <b>LOST PAPERS</b> -replaced by authorized copy            | 5339             |
| <b>LINEAL WARRANTIES</b> -abolished....                            | 3254            | copy admissible in evidence, when....                      | 5308             |
| <b>LIQUIDATION</b> -of partnership, who may act in                 | 4062            | <b>LOST PROPERTY</b> -appropriating is larceny             | 6781             |
| powers of partner acting   | 4064-4065       | concealment of by finder                                   | 6929             |
| <b>LIQUID ATED</b> -damages, when contract may fix, for its breach | 3581            | (See Wrecked Property.)                                    |                  |
| contract stipulating for, may be specifically enforced             | 4631            | <b>LOTTERY</b>   | 6574-6589        |
| <b>LIQUORS</b> (See Intoxicating Liguors.)..                       |                 | definition of  | 6574             |
| <b>LIS PENDENS</b> -effect of notice                               | 4897            | is a public nuisance                                       | 6575             |
| in action of partition   | 5365            | contriving, setting up, or drawing, how punished           | 6576             |
| not required in foreclosure of mortgage                            |                 | tickets-selling  | 6577, 6577,6595  |
| or mechanics' or miners'liens..                                    | 4897            | insurance of   | 6583             |
| <b>LITIGATION</b> -encouraging                                     | 6388-6400       | advertising  | 6584             |
| <b>LIVE STOCK</b> -lien on for keeping and pasturing               | 5486,5487       | buying   | 6578             |
| for services of stallion or bull                                   | 5488, 5488,5489 | advertising  | 6579             |
| <b>LOAN</b> -for use defined                                       | 3698            | property offered dependent on                              | 6580             |
| does not transfer title  | 3699            | is forfeited   | 6585             |
| obligations of borrower under...                                   | 3700-3709       | offices  | 6581             |
| of lender under  | 3707            | advertising  | 6582             |
| when lender may terminate  | 3708            | letting building for                                       | 6586             |
| duties of borrower upon terminationof .                            | 3709            | existing outside of territory                              | 6587             |
| for exchange, defined  | 3710            | advertisements of  | 6588             |
| transfers title  | 3712            | <b>LUGGAGE</b> -defined                                    | 3890             |
| obligations of parties to  | 3713, 3714      | common carrier of persons must carry,when                  | 3892             |
| of money, defined  | 3715            | must carry, how  | 3892             |
| payable in current money   | 3716            | liability of, for  | 3891             |
| may be with or without reward                                      | 3717            | must deliver, when   | 3892             |
| reward for, called interest  | 3718            | has lien upon, for fare                                    | 3898             |
| rate of interest on, presumed annual.                              | 3719            | <b>LUNATIC</b> (See Persons of Unsound Mind.)              |                  |
| what allowed   | 3720, 3721      | <b>MAGISTRATE</b> - defined                                | 6145, 6969, 7118 |
| interest on, may be deducted in advance ..                         | 3722            | who are  | 7119             |
| usury on, may be recovered back ....                               | 3723            | justice of the peace as committing                         | 6145             |
| <b>LODGINGS</b> -for what term presumed to be hired                | 3740            | examinationof offenders (See Examination of Offenders.)    | 7162-7187        |
| rent of, when payable  | 3740            | issues warrant of arrest, when                             | 7050             |
| (See Landlord-Tenant-Hiring.)                                      |                 | issues warrant on information                              | 7120             |
| <b>LOCOMOTIVE</b> -failure to ring bell of...                      | 6664            | issues search warrant under complaint                      |                  |
| engineer of, intoxication of                                       | 6665            | of unlawful use of trade mark                              | 6621             |
| <b>LODGES</b> -may be incorporated                                 | 3162            | duties of pertaining to search warrants                    | 7613-7633        |
| <b>LOGS AND LUMBER</b> -may be boomed along shore                  |                 | proceedings under presentment                              | 7232             |
| of navigable stream  | 2448            | duty of in arrest of fugitive from justice                 | 7636-7643        |
| taking without authority   | 6927            | transmits defendant's undertaking to                       |                  |
| receiving  | 6928            | district court   | 7056             |
| defacing marks on  | 6624            | when guilty of misdemeanor in case of riot                 | 7077             |
| <b>LOSS</b> -under contract of insurance                           | 4172            | may verbally direct arrest for offense in his presence     | 7153             |
| insurer liable for what  | 4172            | summary conviction for profane swear in gin presence of    | 6235             |
| when incurred in rescue from peril.                                | 4173            | duties of in criminal actions against corporations         | 7579-7586        |
| when caused by negligence  | 4175            | may issue subpoenas in criminal actions                    | 7527             |
| not liable for, when caused by peril not insured against           | 4174            | of another county, duty of in taking bail                  | 7273             |
| when caused by fraud of insured...                                 | 4175            | 8 duties of pertaining to disposal of prop                 |                  |
| notice of (See Notice of Loss.)                                    | 4176-4180       | erty stolen or embezzle(I                                  | 7589-7594        |
| under marine insurance   | 4215-4225       | must not permit depositions to be inspected, except        | 6405             |
| may be total or partial  | 4215            | determines character of obscene publication                | 6569             |
| when partial   | 4216            | destroys false weights and measures..                      | 6834             |
| total, may be actual or constructive..                             | 4217            | gambling apparatus, when                                   | 6597             |
| actual, defined  | 4218            | solemnization of marriage by                               | 2544,6627        |
| total, constructive, defined                                       | 4219            |  |                  |
| actual, when presumed  | 4220            |  |                  |

# INDEX.

|  | Section.        |  | Section.        |
|--|-----------------|--|-----------------|
| <b>MAGISTRATE</b> -solemnization of marriage-- <i>Continued.</i> |                 | <b>MARKS AND BRANDS</b> -brand-committee- <i>Continued.</i>    |                 |
| unlawful, a misdemeano   | 2553            | owner shall notify of his brands....                           | 2267            |
| (See Justice's Court-O922cers.)                                  |                 | drover may be required to adopt new                            | 2267            |
| <b>MAIL</b> -notice of dishonor may be givenby                   | 4501            | what constitute conflicting                                    | 2268            |
| to be sent by, when  | 4505            | when recorded, is prima facie evidence of ownership            | 2269            |
| excused, when there is no  | 4509            | recording to more than one person is a misdemeanor             | 2270            |
| service of papers by   | 5329-5331       | destroying is unlawful   | 2275            |
| sheriff may return writ of execution by                          | 5170            | running, is prohibited   | 2271            |
| shall not forward money by, unless..                             | 5171            | penalty-for violation of law regulating                        | 2272            |
| notice of petition to probate will may be by                     | 5665            | for interfering with marks and brands on stock                 | 2273            |
| <b>MAIMING</b>   | 6465-6473       | for destroying brand   | 2276            |
| defined  | 6465            | hides of slaughtered animals must be preserved                 | 2274            |
| one's self   | 6466            | <b>MARRIAGE</b> -contract of                                   | 2533            |
| to obtain alms   | 6467            | validity of  | 2533            |
| injury inflicted in any way                                      | 6468            | not subject to general rules of contracts .                    | 2542            |
| by disfigurement   | 6469            | definition of  | 2533            |
| design to maim inferred  | 6170            | what consent is necessary to                                   | 2536            |
| premeditated design  | 6471            | consent to, how proved   | 2534            |
| subsequent recovery bars conviction for                          | 6472            | who may enter into   | 2535            |
| committed in course of a riot                                    | 6678            | incestuous, defined  | 2537            |
| punishment for animals   | 6473            | when void or voidable  | 2538, 2539      |
| <b>MALICE</b> -defined   | 6964            | between Indians  | 2541            |
| presumed when, in libel  | 6513            | effect of imprisonment for life upon....                       | 2540            |
| not presumed, when   | 6517            | authentication of  | 2544            |
| presumed in arson, how   | 6724            | by whom to be solemnized for purpose of                        | 2544            |
| interest maybe given in case of                                  | 4578            | wilfully improper solemnization is a misdemeanor               | 2553            |
| exemplary damages may be given in case of ..                     | 4580            | mode of solemnization of                                       | 2545            |
| <b>MALICIOUS MISCHIEF</b> -what is, generally                    | 6882            | duties of person solemnizing                                   | 2546-2548       |
| is a misdemeanor   | 6882            | certificate of   | 2548            |
| specified  | 6883,6913       | entry of   | 2547            |
| <b>MALICIOUS PROSECUTION</b> -costs in action for, limited       | 5191            | is evidence of   | 2552            |
| may be taxed against complainant, when                           | 7174            | how dissolved  | 2558            |
| <b>MANDAMUS</b> -rules of in general ....                        | 5517-5529       | releases from parental authority                               | 2610            |
| may be alternative or peremptory.                                | 5519, 5520      | certain restraints upon, void                                  | 2715, 3586      |
| by whom granted  | 5534            | revokes will, when   | 3330, 3330,3331 |
| contempt in, how punished  | 5529            | promise in consideration of, must be in writing                | 3544            |
| laws applicable to   | 5535            | contract in restraint of, when void                            | 3586            |
| new trial in   | 5524, 5524,5536 | promise of, by what rules governed....                         | 2543            |
| appeal in  | 5636            | need not be in writing   | 3544            |
| to enforce order of court  | 614             | damages for breach of  | 4599            |
| <b>MANSLAUGHTER</b> (See Homicide.)                              |                 | unlawful-solemnizing   | 6627            |
| <b>MANUFACTURE</b> -agreement to, not required to be in writing  | 3616            | falsely personating another in                                 | 6815            |
| implied warranty upon sale of                                    | 3634            | incestuous....   | 6546            |
| <b>MANUFACTURER</b> -protection of...                            | 2443-2447       | bigamous   | 6542-6545       |
| certain trade marks to be recorded ....                          | 2443            | compulsory   | 6527, 6527,6528 |
| fees for recording   | 2444            | of executrix annuls appointment..                              | 5697, 5710      |
| misappropriation of casks, etc., deemed larceny                  | 2445            | emancipates a minor  | 6010, 6016      |
| penalty for destroying casks, etc                                | 2446            | (See Divorce-Husband and Wife.)                                |                 |
| foreign corporations entitled to protection .                    | 2447            | <b>MARRIED WOMAN</b> -obligations of, to her husband           | 2586            |
| <b>MANUFACTURING COMPANIES</b> (SeeCorporations.)                | 2900            | may contract, and execute andacknowledge instruments, as if un | 2590,3282       |
| <b>MARINE</b> -carrier (See Carrier.)                            | 3833            | married  | 2588, 2588,2595 |
| insurance (See Insurance.)                                       | 4187            | right of, to support   | 2596            |
| <b>MARKS AND BRANDS</b>  | 2261-2276       | abandoning husband, not entitled to support                    | 2851, 2851,2858 |
| owner may adopt  | 2261            | power maybe vested in  | 2831, 2831,2832 |
| brand-register of deeds shall record fee                         | 2262            | how executed by  | 2848            |
| shall not be recorded to two persons.                            | 2263            | vested in, what estate may be created under                    | 2862            |
| description of shall be made by stock owner                      | 2264            | is not affected by mortgage                                    | 2911            |
| proceedings when brands conflict....                             | 2265            | corporation stock of, how transferred..                        | 2600            |
| committee appointed by county commissioners                      | 2266            | independent legal rights of                                    | 5697            |
|  |                 | may be executor of will  | 5710            |
|  |                 | may not be administratrix                                      |                 |

# **INDEX.**

|  | <i>Section.</i>       |   | <i>Section.</i> |
|--|-----------------------|---|-----------------|
| <b>MARRY</b> -who may  | 2535, 2535,2575       | <b>MILITIA</b> -organizations- <i>Continued.</i>            |                 |
| who may not  | 2537-2540, 2553, 2575 | may be discharged or consolidated by                        |                 |
| <b>MARSHAL, CITY OR TOWN</b> -superintend                          |                       | governor  | 1930            |
| labor of prisoners   | 7815, 7815,7816       | who may enlist in   | 1931            |
| <b>MARSHAL</b> , (UNITED STATES (See United States Marshal.)       |                       | enlisted men-entitled to discharge, when                    | 1932            |
| and servant, contract of apprenticeship between                    | 2656                  | and officers transferred or discharged, when                | 1933            |
| relation of, in general  | 3780-3786             | entitled to discharge for disability...                     | 1950            |
| mutual right of protection between..                               | 2532                  | adjutant general, duties of                                 | 1934-1996       |
| relation of, when renewed  | 3783                  | inspector and judge advocate general..                      | 1937            |
| right of, to protection against abduction, etc., of servant        | 2531                  | supply department   | 1938,1939       |
| may discharge servant, when  | 3786                  | engineer and ordinance department                           | 1940, 1941      |
| (See Apprenticeship-Service.)                                      |                       | medical department  | 1942, 1943      |
| <b>MASTER IN CHANCERY</b> -fees of                                 | 1415                  | officers--how chosen  | 1944-1947       |
| may demand in advance  | 1436                  | oath of   | 1948            |
| to keep table of posted  | 1437                  | governor commissions all                                    | 1922            |
| <b>MATURITY</b> -of negotiable instrument, defined                 | 4494                  | recruits to sign enlistment papers                          | 1949            |
| apparent, defined  | 4492                  | drill, discipline, and uniform                              | 1951            |
| <b>MAXIMS</b> -of jurisprudence                                    | 4696-4730             | codification of military law provided for                   | 1952            |
| <b>MAYHEM</b> (See Maining.)                                       |                       | military duty required                                      | 1953-1956       |
| <b>MAYOR</b> -of city may take proof or acknowledgment, when       | 3277                  | annual encampment   | 1953            |
| duties of,in taking proof, etc                                     | 3281                  | drills, parades, and inspections number of                  | 1954            |
| may solemnize marriage   | 2544                  | power of commanding officer at....                          | 1955            |
| duties pertaining to reincorporation of city                       | 844, 845              | target practice, medals, badges, and trophies               | 1956            |
| duties pertaining to city boards of education                      | 1849-1877             | how called out  | 1919, 1957-1961 |
| may order special police, when                                     | 7067                  | officers and men, how warned to appear                      | 1957, 1958      |
| (See Cities- Officers.)  |                       | powers of commander-in-chief in cas'jof public disturbance  | 1959            |
| <b>MECHANIC'S LIEN</b> (See Lien.)                                 | 5468-5485             | sheriff or mayor may call out, when..                       | 1960            |
| how regulated  | 4449                  | when member fails to appear, deemed a deserter              | 1961            |
| <b>MEDICINE</b> -who may practice                                  | 205                   | courts martial  | 1962-1971       |
| <b>MEETINGS</b> - lawful, disturbance of                           | 6253, 6274,6676       | United States articles of war adopted.                      | 1962            |
| <b>MEMBER OF LEGISLATURE</b> (See .Legislature.)                   |                       | witnesses-attendance of, may be compelled                   | 1964            |
| <b>MENACE</b> -defined   | 3505                  | may punish for contempt                                     | 1965            |
| will procured by, may be denied probate                            | 3307                  | sheriff is marshal of court                                 | 1966, 1967      |
| consent to contract obtained by, voidable                          | 3501,3589             | finest-how collected  | 1968            |
| <b>MERGER</b> -civil rights do not merge in criminal               | 4816                  | penalty for failure to pay                                  | 1969, 1970      |
| <b>MERCHANTABLE</b> - implied warranty that goods are              | 3682, 3639            | how disposed of   | 1963            |
| <b>MESSAGES</b> -carriage of (See Carrier.)                        | 3879,3880,3908-3911   | civil actions against officer of                            | 1971            |
| telegraphic, intercepting  | 6879                  | compensation  | 1972-1979       |
| (See Telegraph.)   |                       | of officer and men, rate of                                 | 1972-1975       |
| <b>MESSENGER</b> - to collect election returns (See Elections.)    | 1475                  | on detail duty  | 1974            |
| how paid   | 1475                  | allowance for horses  | 1973            |
| <b>MILE BOARDS</b> -injury to, or removal of, is misdemeanor       | 6878                  | for clothing and equipment                                  | 1976            |
| <b>MILITARY CODE</b> (See Militia.)                                |                       | free transportation to be furnished..                       | 1977            |
| <b>MILITARY PUNISHMENTS</b> -not affected by penal code            | 6983                  | militia property exempt from taxation                       | 1978            |
| <b>MILITARY STORES</b> -seizure of                                 | 6715                  | armory rent, how paid                                       | 1979            |
| <b>MILITARY, UNITED STATES</b> -governor may call upon to suppress |                       | bureau of pensions-organization and conduct of              | 1936            |
| riots..  | 7072                  | miscellaneous provisions                                    | 1980-1986       |
| <b>MILITIA</b> -organization of                                    | 1917-1952             | members exempt from jury duty and poll tax                  | 1980            |
| who compose  | 1917                  | from service of civil process while on duty...              | 1981            |
| when and how called into service ..                                | 1919                  | officers, reports of  | 1982            |
| shall be known as the Dakota national guard                        | 1920                  | supplies and outfits must not be given away                 | 1983            |
| equipment of   | 1923                  | investigation as to lost or stolen property                 | 1984            |
| organizations-artillery  | 1924, 1925            | appropriations for  | 1985            |
| cavalry  | 1926, 1927            | maybe called out by mayor of city, when                     | 864, 1960       |
| infantrv   | 1928,1929             | may be ordered out to suppress riots..                      | 7068            |
|  |                       | <b>MILL DAMS</b> -rights, rules, and regulations concerning | 5577-5598       |
|  |                       | <b>MINES AND MINING</b> -location and size of claim         |                 |
|  |                       | 1997 2012   |                 |



# INDEX.

|  | Section.        |   | Section.                     |
|--|-----------------|---|------------------------------|
| <b>MINES AND MINING-Continued.</b>                   |                 |   |                              |
| lode-length of                                       | 1997            |   |                              |
| width of   | 1998            |   |                              |
| discoverer must record                               | 1999            |   |                              |
| certificate-shall show what                          | 1999            |   |                              |
| construed to contain what                            | 2005            |   |                              |
| can contain but one location                         | 2011            |   |                              |
| fee for recording                                    | 2012            |   |                              |
| void when  | 2000            |   |                              |
| may be amended                                       | 2008            |   |                              |
| manner of locating                                   | 2001            |   |                              |
| marking surface boundaries                           | 2002            |   |                              |
| requisites of  | 2003            |   |                              |
| when labor must be performed                         | 2004            |   |                              |
| when top of lode extends beyond exterior lines       | 2006            |   |                              |
| owner of land may demand security from miner         | 2007            |   |                              |
| work must be performed annually....                  | 2009            |   |                              |
| disputed mines-survey may be ordered                 | 2014, 2015      |   |                              |
| injunction for affirmative relief may issue          | 2015            |   |                              |
| right of way ...                                     | 2016-2028       |   |                              |
| owners have  | 2016            |   |                              |
| for road or ditch                                    | 2017            |   |                              |
| proceedings to obtain                                | 2018            |   |                              |
| before the court                                     | 2019            |   |                              |
| commissioners appointed                              | 2026            |   |                              |
| assessment of damages by                             | 2021            |   |                              |
| appeal from  | 2024            |   |                              |
| trial of   | 2025            |   |                              |
| not to hinder work                                   | 2026            |   |                              |
| costs paid by appellee, when                         | 2027            |   |                              |
| by whom  | 2028            |   |                              |
| report of, may be set aside                          | 2022            |   |                              |
| petitioner entitled to on tender of payment          | 2023            |   |                              |
| Water rights   | 2029-2038       |   |                              |
| person holding land, has                             | 2029            |   |                              |
| right of way for conducting water...                 | 2030            |   |                              |
| limited  | 2031            |   |                              |
| controversies respecting, how determined             | 2032            |   |                              |
| deterioration or diminution of stream not considered | 2033            |   |                              |
| liability for damaging lands                         | 2034            |   |                              |
| abandoned rights of                                  | 2035            |   |                              |
| bridging ditches, flumes, etc                        | 2035            |   |                              |
| penalty for neglect                                  | 2036            |   |                              |
| manner of locating                                   | 2037            |   |                              |
| deemed abandoned, when                               | 2038            |   |                              |
| gold and silver not included in homestead            | 2468            |   |                              |
| customs may be given in evidence, when               | 5463            |   |                              |
| conspiracy or mobs against....                       | 6926            |   |                              |
| forcible taking of, resulting in death...            | 6448            |   |                              |
| miners' liens (See Liens.)                           |                 |   |                              |
| <b>MINGLING FUNDS-effect of</b>                      | 3929            |   |                              |
| <b>MINING COMPANIES-may be formed</b>                |                 |   |                              |
| (See Corporations.)                                  | 2900            |   |                              |
| MINOR-definition of                                  | 2509            |   |                              |
| unborn child to be treated as                        | 2511            |   |                              |
| custody of   | 2513, 2632-2654 |   |                              |
| powers of  | 2514, 2514,2515 |   |                              |
| contracts of   | 2516            |   |                              |
| disaffirmance of                                     | 2516, 2517      |   |                              |
| liable for wrongs                                    | 2522            |   |                              |
| extent of liability of                               | 2523            |   |                              |
| may enforce rights                                   | 2524            |   |                              |
| wages of, may be paid to, when                       | 2618            |   |                              |
| allowance may be made out of fund for benefit of     | 2724            |   |                              |
|  |                 | <b>MINOR- Continued.</b>                          |                              |
|  |                 | corporation stock belonging to, how               |                              |
|  |                 | represented                                       | 2910, 2979                   |
|  |                 | restraints upon marriage of, allowed              | 2715, 3586                   |
|  |                 | (See Child-Parent and Child-Guardian and Ward.)   |                              |
|  |                 | actions by and against-how prosecuted             | 4874, 4874,4875              |
|  |                 | how limited                                       | 4860                         |
|  |                 | costs against, guardian liable when...            | 5200                         |
|  |                 | service of summons on, how made                   | 4898                         |
|  |                 | selling liquor to-unlawful                        | 2219                         |
|  |                 | how punished                                      | 6917                         |
|  |                 | guardianship of ( See Probate CourtGuardian.)     |                              |
|  |                 | <b>MISDEMEANOR-defined</b>                        | 6203, 6205, 6934, 7028, 7029 |
|  |                 | punishment for in general                         | 6213                         |
|  |                 | action may be begun in three years....            | 7114                         |
|  |                 | no accessories to                                 | 6228                         |
|  |                 | any injurious act is                              | 6934                         |
|  |                 | arrest for-duty of officer making                 | 7129                         |
|  |                 | when made   | 7141                         |
|  |                 | change of venue not permitted                     | 7312                         |
|  |                 | form of bench warrant on arraignment for          | 7269                         |
|  |                 | defendant need not be present at trial.           | 7321                         |
|  |                 | may appear in by counsel                          | 7321                         |
|  |                 | need not be present at rendering of verdict       | 7418                         |
|  |                 | need not be present at pronouncing of judgment    | 7457                         |
|  |                 | compromise of                                     | 7575-7578                    |
|  |                 | may be, when-exceptions                           | 7575                         |
|  |                 | stay of proceedings granted by court.             | 7576                         |
|  |                 | is a bar to future prosecution                    | 7577                         |
|  |                 | effected only under law                           | 7578                         |
|  |                 | <b>MISDEMEANORS.</b>                              |                              |
|  |                 | attorney-deceit by                                | 6410                         |
|  |                 | delaying suit                                     | 6410                         |
|  |                 | receiving allowance for money not expended        | 6410                         |
|  |                 | permitting name to be used by third party         | 6411                         |
|  |                 | making application to another judge to stay trial | 6403                         |
|  |                 | buying demands or suit by                         | 6395                         |
|  |                 | refusal to pay money to client                    | 478                          |
|  |                 | auctioneer-having more than one place of business | 6707                         |
|  |                 | selling damaged goods                             | 6708                         |
|  |                 | sales by night                                    | 6709                         |
|  |                 | ne,_lecting to render account                     | 6710                         |
|  |                 | fraud by  | 6711                         |
|  |                 | auditing account not verified                     | 803                          |
|  |                 | arrest-refusing to make                           | 6379                         |
|  |                 | making without authority                          | 6376                         |
|  |                 | refusing to aid officer making                    | 6378                         |
|  |                 | assault and battery                               | 6508                         |
|  |                 | abortion-soliciting an                            | 6508                         |
|  |                 | assignment-unlawful preference in....             | 6839                         |
|  |                 | aiding in commission of misdemeanor               | 6940                         |
|  |                 | animals-killing, maiming, or torturing            | 6885                         |
|  |                 | domestic-abusing                                  | 6886                         |
|  |                 | instigating fights between                        | 6887                         |
|  |                 | certain, allowing to run at large                 | 2280                         |
|  |                 | allowing to trespass in driving                   | 2281                         |
|  |                 | appointments to office, buying                    | 6307                         |
|  |                 | selling   | 6308                         |
|  |                 | assessment of property, collusion in ...          | 1558                         |
|  |                 | bridges-driving excess of stock on....            | 1355                         |
|  |                 | driving across faster than a walk                 | 1356                         |

# INDEX.

|  | Section.        |   | Section.        |
|--|-----------------|---|-----------------|
| <b>MISDEMEANORS-Continued.</b>                         |                 | <b>MISDEMEANORS - corporations-Continued.</b>                         |                 |
| ballots-not cast at established pre                    |                 | mining or manufacturing, failure to make annual report of             | 3112            |
| cincts, counting                                       | 1484            | cemetery-wounding or trapping birds in                                | 6889            |
| fraudulently altering                                  | 6261            | or tomb-injury to   | 6565            |
| beaver-killing before March 11, 1892...                | 2386            | custody of officer-retaking goods from                                | 6336            |
| brand-recording to more than one person                | 2270            | county treasurer-failure of, to settle with the territorial treasurer | 1645            |
| violation of law regulating                            | 2272            | chattel mortgage-including in insurance application                   | 3107            |
| on hide, destroying                                    | 2275            | city officers-misconduct of   | 865             |
| buoy-removing  | 6904            | interested in contract  | 1015            |
| birds-certain, killing at certain times.               | 2366,2370       | caucuses-illegal voting at  | 1524            |
| having in possession                                   | 2366, 2366,2370 | crops, standing-injuring  | 6896            |
| killing by certain methods at anytime                  | 2372            | ditch-for draining of highways, injuring                              | 1340            |
| violation of law restricting shipment of               | 2366,2369, 2371 | flumes, canals, etc., failure to bridge.                              | 2036            |
| destroying eggs or nests of                            | 2367,2370       | obstructing   | 2074            |
| buffalo, elk, deer, etc., killing at certain times     | 2380            | diseased animal-or its milk, meat, or hide,                           |                 |
| bawdy house-keeping                                    | 6571            | selling or giving away  | 2328            |
| bottles-refilling and selling                          | 6619            | druggist-negligence of  | 6647            |
| keeping with intent to refill and sell..               | 6620            | district attorney-failure to account for                              |                 |
| blasphemy  | 6232            | finer, etc., collected  | 437             |
| belief-form of, compelling                             | 6251            | non-performance of official duties ...                                | 440             |
| bank-unauthorized loans in                             | 6844            | partner of, advising the defense                                      | 6921            |
| officer of-making guaranty or indorsement              | 6848            | dentistry--violation of law regulating the practice of                | 213             |
| or employe overdrawing account                         | 6849            | false pretense as a practitioner of....                               | 216             |
| bank-notes-sale and hypothecation of                   | 6846            | drugs, etc.,-adulterating   | 229             |
| circulating excess of                                  | 6847            | deputation of office, taking rewards for                              | 6309            |
| barratry, common                                       | 6392            | dissection-unlawful   | 6553, 6553,6566 |
| bill of lading, false, delivering                      | 6712            | dead body-unlawfully removed, purchase of                             | 6560            |
| burglar-having implements of in possession             | 6745            | arresting or attaching  | 6563            |
| bribing officer of election                            | 6287            | disorderly house-keeping  | 6572            |
| bankruptcy, fraudulent                                 | 6841            | drunken driver of vehicles-employment of                              | 1351            |
| contempts of court, certain are                        | 6462            | dam-destroying  | 6902            |
| of county commissioners                                | 584             | driving or riding through hedge or orchard                            | 6894            |
| casks-misappropriation of                              | 2445            | duel-posting a person for not fighting.                               | 6501            |
| destroying marks on                                    | 2446            | depositions-disclosure of   | 6405, 6105,6406 |
| challenge-attempting to induce another to send         | 6500            | extrajudicial oaths-taking  | 6382            |
| compounding-a misdemeanor                              | 6384            | administering   | 6383            |
| prosecution ...  | 6385            | election-impeding by violence   | 6280            |
| combination-to resist process                          | 6685            | making false poll list  | 6284            |
| conveyances-fraudulent                                 | 6837            | furnishing money for  | 6260            |
| contagious disease - exposing person with              | 6671            | obstructing elector in reaching polls.                                | 6262            |
| failure to give notice of among livestock              | 2321,2327-2330  | giving or receiving bribe by elector..                                | 6255            |
| collection of the revenue, obstructing the             | 6702            | betting on  | 6257            |
| conspiracy and mobs against mines....                  | 6926            | failure of judges or clerks-to deliver                                |                 |
| convict-communicating with                             | 6422            | poll books to county clerk  | 1469            |
| importing  | 6415            | to post election notices  | 533             |
| annoying   | 7819            | judges of, rejecting legal vote                                       | 1450            |
| conspiracy-to commit a crime                           | 6425            | disorderly or riotous conduct at                                      | 1463            |
| to indict another or procure arrest...                 | 6425            | laws-violation by officers  | 1481            |
| to maintain suit                                       | 6425            | returns-neglecting to canvass   | 6423            |
| to cheat or defraud by criminal means                  | 6425            | electors-disturbing meeting of  | 6274            |
| to commit acts injurious to public health or morals    | 6425            | preventing attendance at meeting of                                   | 6276            |
| corporations-frauds in subscription for stock of       | 6841            | preventing meeting of   | 6375            |
| unauthorized use of names in organization of           | 6813            | eavesdropping   | 6674            |
| omission to enter receipt on books of                  | 6851            | entering building to commit felony, larceny, etc                      | 6746            |
| publishing false report of affairs of .                | 6853            | estrays-and lost goods, concealing....                                | 6929            |
| refusing to permit inspection of books by stockholders | 6854            | employers-intimidating  | 6925            |
| fraudulent insolvency of                               | 6856            | extort money, attempts to by verbal threat                            | 6814            |
| violation of duty by officer of                        | 6857            | attempt under color of official right..                               | 6811            |
|  |                 | evidence-suppression of   | 6387            |
|  |                 | destruction of  | 6369            |
|  |                 | escape from officer-assisting   | 6345            |

# INDEX.

|   | Section.         |  | Section.         |
|---|------------------|--|------------------|
| <b>MISDEMEANORS-Continued.</b>                      |                  | <b>MISDEMEANORS-Continued.</b>                               |                  |
| ferry-maintaining unlawful..                        | 1361, 1365, 1366 | imprisonment -reconfining prisoner released from             | 6629             |
| maintaining unlicensed                              | 6662             | indecent exposure  | 6567             |
| bond-violation of                                   | 6663             | insane persons-cruelty to                                    | 2190             |
| fire escape-neglect to provide in hotels            | 2411             | neglect of duty regarding                                    | 2197             |
| fish-capturing-except with hook and line .....      | 2387, 2389       | violation of law relating to postalrights of                 | 2201             |
| certain varieties during certain months             | 2388, 2388,2389  | intoxication   | 2210             |
| funeral-disturbing                                  | 6564             | public   | 6916             |
| fugitive 'from justice-unlawful delivery of         | 7645             | justice or constable-buying demands or suit by               | 6396             |
| fighting animals-keeping house or pit for           | 6888             | justice-failure to make report or pay over money             | 6187             |
| forgery-in fourth degree                            | 6772             | jail-breaking  | 7822             |
| forcible entry and detainee                         | 6693             | Juror-promising to return verdict                            | 6329             |
| firearms-discharging in public place..              | 6696             | permitting communication to be made to him                   | 6329             |
| fires-refusing aid at                               | 6661             | accepting gifts from parties to action                       | 6330             |
| false statement - publishing to affect market price | 6672             | drawing fraudulently   | 6333             |
| by voters as to residence                           | 1532             | allowing improper liberties                                  | 6334             |
| food-adulterating and selling same....              | 6654             | or referees-attempting to influence.                         | 6332             |
| selling tainted                                     | 6655             | failure to appear  | 461e             |
| selling unwholesome                                 | 2246             | neglect of officers to draw                                  | 461e             |
| fruit-or melons,' injuring                          | 6897, 6898       | jude-refusal to allow recognizance or habeas corpus          | 7842             |
| trees, injuring                                     | 6899             | of election-disobedience to                                  | 6279             |
| grand juror-acting after challenge allowed          | 6404,7199        | James river-defiling waters of                               | 2253             |
| grand jury-disclosure of proceedings of             | 6419             | larceny-petit  | 6785             |
| guards-neglecting to maintain at ice cuttings       | 6669             | wrecked goods  | 6792             |
| grand army badges-wearing when not entitled         | 6818             | liquor--selling to intoxicated person...                     | 6917             |
| gas-fraudulent consumption of                       | 6794             | selling to paupers   | 6918             |
| gas tar-throwing into public waters..               | 6636             | selling on Sunday  | 6919 6919,6920   |
| gunpowder-keeping in city or village.               | 6635             | selling on election day                                      | 6295             |
| grain-pooling in purchase and storage of            | 160              | selling in fair grounds                                      | 188              |
| grain warehouse-failure to procure                  |                  | selling to Indians   | 6915             |
| game, large-shipment out of territory               | 2382             | selling to minors  | 6917             |
| leaving lying on prairie                            | 2384             | selling within three miles of Dakota university              | 2235             |
| glandered horses-keeping                            | 2340             | illegally granting license to sell                           | 6914             |
| gambling-keeping tables for                         | 6595             | druggists violating law                                      | 2217             |
| on board vessel                                     | 6601             | approval of insufficient bond by                             |                  |
| apparatus-keeping                                   | 6590             | county commissioners for sale of...                          | 2211             |
| establishment-keeping                               | 6594             | physicians giving false prescriptions for                    | 2218             |
| place-neglect of officers to inform on              | 6600             | violating the law regulating sale of                         | 2212, 2213       |
| persuading persons to visit                         | 6599             | granting license to sell in countieswhere sale is prohibited | 2229             |
| highway-obstructing                                 | 6876,1258,1329   | selling to minor or habitual drunkard                        | 2219             |
| health, board of-obstructing                        | 205              | selling to habitual drunkard after notification              | 2206             |
| health laws-violation of                            | 756, 6643        | selling near Iroquois and Denver ....                        | 2239             |
| health officers-landing from vessel before visit of | 6639             | selling in court house                                       | 6409             |
| obstructing in discharge of duty                    | 6642             | selling in jail or prison                                    | 6409             |
| hospital grounds-using for burial purposes          | 259              | selling at the polls   | 6409             |
| habeas corpus-concealing person entitled to         | 6630, 7850       | lands-returning to possession after removal..                | 6694             |
| aiding in concealment of person entitled to         | 6631             | unlawful intrusions on                                       | 6695             |
| hay in bundles-omitting to mark                     | 6652             | in suit-purchase of  | 6388             |
| hide-of slaughtered animals, neglecting to preserve | 2274, 2274,2276  | laborers-intimidating  | 6924             |
| hitch passenger teams-failure to                    | 1352             | legislature-preventing meeting of                            | 6315             |
| intimidate officers-attempt to                      | 6386             | disturbing   | 6315             |
| intoxication of engineer or driver of street car    | 6665             | intimidating member of                                       | 6317             |
| Indians-harboring                                   | 6932             | offense againstlive stock-driving off another's              | 2278             |
| injurious acts-not expressly forbidden              | 6934             | of residents-allowing to mix with drove                      | 2283             |
| indictment-disclosure of                            | 6418             | laundry-aliens conducting without license                    | 2431, 2435       |
| irrigating ditches-injury to                        | 6881             | lottery-advertising  | 6579, 6587, 6588 |
|   |                  | offering property dependent on..                             | 6580, 6587       |
|   |                  | opening office   | 6581, 6581,6587  |
|   |                  | letting building for   | 6586.6587        |

# INDEX.

|   | Section.         |  | Section.        |
|---|------------------|--|-----------------|
| <b>MISDEMEANORS--lottery--Continued.</b>                  |                  | <b>MISDEMEANORS--Continued.</b>                    |                 |
| office-advertising  | 6582, 6582,6588  | prisoner-permitting escape of                      | 6373            |
| tickets-issuing   | 6583, 6587       | refusal to receive                                 | 6374            |
| advertising insurance of                                  | 6584, 6584,6588  | delaying to take, before magistrate..              | 6375            |
| selling   | 6577, 6587, 6595 | assisting to escape                                | 6341            |
| landmarks-removing or altering                            | 6900             | escaped, concealing                                | 6314            |
| libel ...   | 6512             | rescue of prisoner when imprisoned for misdemeanor | 6335            |
| threat to publish   | 6520             | ill treatment of                                   | 7818, 7818,7819 |
| law of the road-violation of                              | 1350             | public officer-violation of duty by                | 6699            |
| leasing-building for unlawful purpose                     | 6573             | frauds by, in making contracts                     | 6700            |
| logs and lumber-defacing marks on..                       | 6624             | making of false certificate by                     | 6424            |
| letter-opening sealed                                     | 6908             | partnerships-fraud in                              | 6626            |
| loan-making to get claim for collection                   | 6397             | maintaining fictitious                             | 6611            |
| locomotive-failure to ring bell at road crossing          | 6664             | prairie fire-wilful setting of                     | 6659            |
| lunatics-unlawful confinement of                          | 6628             | negligent setting of                               | 2398, 2398,6660 |
| misappropriation-of bonds issued for land drainage        | 2084             | wilfully setting between certain dates             | 2392            |
| meat-diseased or immature, selling...                     | 2246             | pretended title-purchase of                        | 6389            |
| medicine-practicing without license..                     | 205              | pedigree of domestic animals, giving false         | 6622            |
| marriage-unlawful, solemnizing                            | 6627             | pauper-sending out of proper county.               | 2177            |
| magistrate-neglecting to preserve                         |                  | public examiners-obstructing or misleading         | 123             |
| depositions taken on examination                          | 7172             | pharmacy law-non-compliance with..                 | 228             |
| mile boards or guide posts, injuries to.                  | 6878             | pawnbroking-without license                        | 6603            |
| meeting-lawful, disturbing                                | 6676             | pledge-selling before default                      | 6605            |
| mischief-malicious  | 6882             | physicians-intoxicated, endangering life           | 6606            |
| newspapers-false statements to increase sale              | 6673             | passenger vessel-over loading                      | 6608            |
| navigation-obstructing                                    | 6670             | piloting-unlicensed ..                             | 6644            |
| nuisance-maintaining public                               | 6634             | port warden-assuming to be                         | 6646            |
| neglect-of burial   | 6554, 6566, 6562 | passage ticket-not filling out, as required by law | 6865            |
| to provide for children                                   | 6537             | products or fixtures-severing from freehold        | 6894            |
| notarial duties-exercising after expiration of commission | 508              | personating-ofcers and others of special authority | 6817            |
| office-exercising functions after term expired            | 6311             | prize fights-engaging in                           | 6686            |
| refusal to surrender books of                             | 6312             | sending challenge for                              | 6687, 6687,6689 |
| falsely assuming..  | 6298             | neglect of peace officer to inform regarding       | 6692            |
| keeping in unlawful place                                 | 1402             | property-fraudulent concealment of..               | 6407            |
| officer-obstructing, in performance of duty               | 6381             | prosecutors advising the defense                   | 6922            |
| omission of duty by                                       | 6416             | peddling-without license                           | 2431, 2431,2435 |
| refusal to perform duty                                   | 6701             | piers or dams-interfering with                     | 6901            |
| refusal to deliver books or papers....                    | 5353             | profane swearing                                   | 6233, 6234      |
| taking illegal compensation for foreign arrest            | 7648             | prohibited act-performance of                      | 6417            |
| exceeding authority under search warrant                  | 7632             | poison-failure to label and register sale of       | 230,            |
| failing to disperse unlawful assemblage                   | 7076             | laying out near dwelling house                     | 6651            |
| refusal to assist   | 7070,7071        | register-neglecting to keep                        | 6649            |
| taking fees for service not rendered                      | 6305             | refusing permission to inspect                     | 6650            |
| taking unlawful reward in securing fugitive from justice  | 6306             | poisoning-wilfully, food or water                  | 6607            |
| acting as, without qualification                          | 6296             | cattle   | 6884            |
| preventing, in official act                               | 6301             | quarantine-violations of the regulations           | 6637, 6637,6638 |
| territorial-neglect of duty by                            | 6704             | communicating with vessel in                       | 6640            |
| executive-taking excessive fees by..                      | 6303             | leaving without permit_                            | 6641            |
| resisting   | 6302             | governor's proclamation, disregard of,             |                 |
| city, town, or village-misuse of funds by                 | 1155,1156        | in cases of diseased live stock                    | 2326            |
| exceeding limit of indebtedness....                       | 1160             | quail-killing before March 5,1889                  | 2376            |
| neglect of duty pertaining to drawing                     |                  | railway company-employe of, neglect of duty by     | 6666            |
| and summoning jury  | 445a             | racing-on the highway                              | 6675            |
| official acts-taking reward for omitting or delaying      | 6304             | animals for wager                                  | 6602            |
| opium-selling unlawfully                                  | 2243             | near a court                                       | 6408            |
| smoking   | 224              | Red river-defiling waters of                       | 2255            |
| allowing premises to be used for...                       | 2243             | Rapid creek-defiling waters of                     | 2258            |
| oleomargarine-erasing label on                            | 2249             | railroad commission-refusal to give information to | 144             |
| obscene-publications                                      | 6567             | religious act-preventing                           | 6252            |
| language-using  | 6237             | religious meeting-disturbing                       | 6153            |
| prison-ordinary, escape from, when....                    | 6340             | removal-fraudulent, of property                    | 6838            |
| ordinary, attempt to escape from                          | 6341             | of person held to service, granting process for    | 277             |
| conveying things into to aid escape .                     | 6343             |  |                 |

# INDEX.

|   | Section.   |   | Section.         |
|---|------------|---|------------------|
| <b>MISDEMEANORS-Continued.</b>                              |            | <b>MISDEMEANORS-Continued.</b>                        |                  |
| presence at after warning to disperse.                      | 6678       | town sites-located on public lands,                   |                  |
| after unlawful purpose is known....                         | 6682       | violation of law pertaining to                        | 1188             |
| rioter-refusing to arrest                                   | 6683       | toll gates-running                                    | 1360             |
| rout  | 6684       | timber-cutting down or destroying....                 | 6894             |
| records-larceny, destruction, or mutilation of              | 6681       | carrying away   | 6894             |
| search warrant-procuring without cause                      | 6349       | and fences-injuring                                   | 6895             |
| maliciously procuring                                       | 7631       | vote-offering office to influence                     | 6258             |
| exceeding authority in executing....                        | 6421       | communicating offer of office to influence            | 6259             |
| stolen property-receiving                                   | 6377       | procuring person to enter precinct with intent to     | 6266             |
| stolen goods-refusing to exhibit                            | 6793       | offer to, by convicted felon                          | 6269             |
| soil or stone-removing from street of village or city..     | 6604       | omitting to challenge                                 | 6285             |
| removing from city lot                                      | 6894       | falsely canvassing or certifying                      | 6286             |
| Sabbath breaking  | 6894       | exclusion of, unlawfully                              | 6285             |
| serving process-maliciously on Satur                        | 6239-6248  | receiving illegal                                     | 6285             |
| day when observed as a holy day                             | 6250       | voter-using violence or threats to influence          | 6278             |
| suit-bringing in false name                                 | 6420       | intimidating  | 6277             |
| steamboats-mismanagement of                                 | 6609       | influencing illegally..                               | 6256             |
| steam boilers-mismanagement of                              | 6610       | voting-procuring unqualified                          | 6265             |
| statutes-failure to deliver to successor in office          | 57         | out of precinct                                       | 6267             |
| sheep-neglect to report to inspector arrival of flock of    | 2353       | causing name to be registered improperly for          | 6290             |
| diseased, herding near other flocks..                       | 2355       | false statements in registration for :                | 6272,6273        |
| sheep inspector-false report by                             | 2361       | more than once  | 6263             |
| sheep disease-violation of law pertaining to                | 2349       | when not qualified                                    | 6264             |
| slung shot-manufacturing or selling..                       | 6656       | wrongfully at town meeting                            | 6268             |
| saw logs-taking   | 6927       | weigh master-false entry by                           | 6713             |
| unlawfully taken, receiving                                 | 6928       | weight-of barrels, boxes, etc., increasing            | 6653             |
| seeding purposes-using certain grain etc., for other than   | 5495       | weights and measures false-using or retaining         | 6831, 6832       |
| still birth or death of bastard child, concealing           | 6540       | keeping   | 2423             |
| stampedes in public buildings-failure                       |            | weight or tare, false-stamping package or cask with   | 6836             |
| to comply with law concerning                               | 2414       | woman or child-compelling to work more than ten hours | 6931             |
| sheriff-failure to furnish court with calendar of prisoners | 7811       | weapons concealed-carrying                            | 6658             |
| or jailer-refusal to conform to rules of district judge     | 7801       | works of art-or improvements, injuring                | 6911             |
| furnishing liquor to prisoners..                            | 7806, 7807 | wrecked property-unlawful detention of                | 6625             |
| keeping prisoners of opposite sexes together                | 7806       | defacing marks on                                     | 6625             |
| school-disturbing   | 1775       | witnesses-failure to appear before courts martial     | 1964             |
| school money-drawing, without authority                     | 1758       | refusing to attend legislature when summoned..        | 6323             |
| school officer-misappropriation of funds by                 | 1704, 1705 | refusing to testify                                   | 6324             |
| school township funds, illegal use of..                     | 1755       | preventing, from-attendance                           | 6370             |
| clerk or treasurer-false report or statement by             | 1785       | giving or offering bribes to                          | 6371             |
| refusal to deliver books, records, etc., to successor       | 1786       | failure to attend legislative contest..               | 1513             |
| trade marks-counterfeiting                                  | 6612       | <b>MISNOITER</b> -when allowed...                     | 4940, 7122, 7243 |
| keeping dies of   | 6613       | <b>MISTAKE</b> -in will, how corrected                | 3366             |
| counterfeit, selling goods bearing....                      | 6614       | consent given by, voidable...                         | 3501, 3503, 3589 |
| using colorable imitation of                                | 6615       | maybe of fact or law                                  | 3511             |
| telegraph line-injuring                                     | 6879       | of fact, defined                                      | 3512             |
| telegraphic dispatch-disclosing                             | 6909       | of law, defined                                       | 3513             |
| secreting   | 6910       | of foreign law is mistake of fact                     | 3514             |
| intercepting  | 6879       | in written contract not to be followed..              | 3555             |
| trespassing-on fair grounds                                 | 187        | agreement for compensation does not                   |                  |
| taxes-making false statement regarding                      | 6716       | take away rinht to rescind for, when.                 | 3590             |
| township supervisors-failure to perform duties              |            | thing obtained through, must be re                    |                  |
| of maintaining ditches for land drainage                    | 2064       | stored, when  | 3602             |
| Texas cattle-importing between certain dates                | 2313       | held in trust   | 3920             |
| having possession of, between certain dates                 | 2313       | contract made through, not specifically enforced      | 4633             |
|   |            | maybe compensated for, when                           | 4633             |
|   |            | in written contract may be revised, when              | 4637             |
|   |            | ground for rescission, when                           | 4641, 4642       |
|   |            | does not invalidate pleadings, when                   | 4039,4941        |

# INDEX.

|  | Section.        |   | Section.        |
|--|-----------------|---|-----------------|
| <b>MISREPRESENTATION</b> -trustee maynot benefit by            | 3921            | <b>MORTGAGE-Continued.</b>                                  |                 |
| partner may not benefit by                                     | 4037            | factor has not authority to execute ....                    | 4011            |
| contract obtained by, not specifically enforced                | 4633            | property under, may be attached, when and how               | 4388-4390       |
| (See Fraud -Deceit-Representation.)                            |                 | foreclosure of not bound by limitations regarding estates   | 5790            |
| <b>MITIGATION OF PUNISHMENT</b> –                              |                 | (See Lien-Foreclosure-Mortgage                              |                 |
| incases of criminal contempt                                   | 6939            | Mortgagor.)   |                 |
| In cases of juvenile offenders                                 | 6953            | <b>MORTGAGED CHATTELS</b> -removing                         |                 |
| in cases of embezzlement, when                                 | 6806            | or destroying is felony                                     | 6933            |
| evidences of circumstances in                                  | 7467-7469       | <b>MORTGAGEE</b> -insurance by mortgagor for benefit of     | 4104            |
| <b>MOB</b> (See Riot.)   |                 | effect of mortgagor's acts on                               | 4105            |
| <b>MONEY</b> -performance in respect to, called payment        | 3456            | may be vested with power of sale                            | 4353            |
| offer to pay, how to be made                                   | 3473            | not entitled to possession of property                      | 4358            |
| exchange of, by what rules governed ..                         | 3653-3656       | may acquire possession by new agreement                     | 4358            |
| implied warranty on  | 3656            | may foreclose right of redemption,how                       | 4359            |
| loan of (See Loan.)  | 3715            | security of, not to be impaired by person subject to lien   | 4358            |
| loan to be repaid in current                                   | 3716            | of personal property may foreclose, how                     | 4373, 4373,4387 |
| not to be forwarded by mail, unless....                        | 5171            | not prejudiced by error of officer in filing                | 4386            |
| <b>MORBID PROPENSITY</b> -no excuse for crime                  | 6217            | may sell property as pledge, in case of removal from county | 4387            |
| <b>MORTGAGE</b> -in general                                    | 4346-4349       | may foreclose by advertisement, when                        | 5411-5429       |
| defined  | 4346            | by action, when   | 5430-5448       |
| nature of lien of  | 4347            | may purchase at sale  | 5419            |
| transfer as security, deemed a                                 | 4348            | (See Lienor.)   |                 |
| bottomry and respondentia not governed by law of               | 4349            | <b>MORTGAGOR</b> -insurance by, payable to mortgagee        | 4104            |
| absolute transfer may be shown to be, when                     | 4350            | effect of acts of, on insurance for benefit of mortgagee    | 4105            |
| what may be subject to   | 4351            | property held adversely to, may be mortgaged                | 4352            |
| power of sale may be given by                                  | 4353            | may agree to change of possession                           | 4358            |
| under, is a trust  | 4354            | not personally bound by mortgage                            | 4351            |
| a lien, upon what  | 4356            | of real property, heir of, must satisfy mortgage            | 4367            |
| against whom   | 4357            | of personal property must subscribe mortgage                | 4384            |
| on property adversely held, effect of...                       | 4353, 4357      | may suspend sale by payment                                 | 5440, 5440,5441 |
| does not entitle mortgagee to possession                       | 4358            | may redeem  | 5421            |
| may be foreclosed  | 4359            | <b>MOTHER</b> -of legitimate child, rights and duties of    | 2604, 2605      |
| person bound by, may not impair security                       | 4358            | of illegitimate child, rights and duties of                 | 2606            |
| on property in unorganized county, where recorded              | 3273            | succeeds to its property                                    | 3404            |
| of real property, how created                                  | 4366            | property of, passes to child, when....                      | 3403            |
| does not bind mortgagor personally..                           | 4351            | (See Parent and. Child-Married Woman.)                      |                 |
| who must satisfy after succession or devise                    | 4367            | <b>MOTION</b> -defined                                      | 5324            |
| record of, how made  | 624, 3272, 4630 | when and how made   | 5324            |
| effect of ...  | 4369            | order of preference in hearing                              | 5324            |
| assignment of  | 4360            | affidavit in support of, taken by referee                   | 5324            |
| discharge of   | 4362            | notice of, how served                                       | 5325, 5325,5326 |
| certificate of discharge of                                    | 4364            | to vacate-arrest  | 4970,4971       |
| what must be recorded as                                       | 4370            | in,junction   | 4991            |
| defeasible conveyance  | 4371            | to set aside indictment                                     | 7283-7289       |
| effect of, on power  | 2862            | for certiorari, conditions of                               | 7513            |
| of personal property, must be in writing                       | 4372,4384       | to dismiss writ of error                                    | 7514, 7514,7515 |
| may be foreclosed, how   | 4373            | for new trial in criminal actions                           | 7450            |
| by advertisement   | 4374-4378       | must be made before judgment                                | 7451            |
| by action in case of counter claim....                         | 4373            | to arrest judgment, defined                                 | 7452            |
| filing of, necessary   | 4379            | when to be made   | 7452            |
| effect of  | 4380            | court may arrest without motion....                         | 7453            |
| mode of  | 4385            | <b>MURDER</b> -when person dies in another                  |                 |
| where ...  | 4382,4385       | county, jurisdiction  | 7111            |
| renewal of   | 4383            | no limitation in time of commencing action                  | 7113            |
| duty of officers concerning....                                | 4385, 4386      | proof in mitigation   | 7402.           |
| when defects in, disregarded                                   | 4386            | (See Homicide.)   |                 |
| negligence of officer in, not to prejudice                     | 4386            |   |                 |
| provisions concerning not applicable to ships in certain cases | 4391            |   |                 |
| in transit, deemed to be in county in                          |                 |   |                 |
| which mortgagor resides  | 4381            |   |                 |

# INDEX.

|  | Section.        |  | Section.        |
|--|-----------------|--|-----------------|
| <b>NEGOTIABLE INSTRUMENT</b> -interpretation of-Continued.                           |                 | <b>NAME</b> -of corporation..                                | 2893            |
| as to place of payment   | 4466            | must be stated in articles                                   | 2902            |
| when payable to order  | 4467, 4467,4468 | can be changed only by statute                               | 2893            |
| to fictitious person   | 4468, 4469      | fictitious. when may be used (See Fictitious Name.)          | 4066-4071       |
| when issued unindorsed   | 4468            | of special partnership may be, what.                         | 4074, 4075      |
| when and for what presumed to be made  | 4470            | special partnership must have....                            | 4074, 4081      |
| indorsement of, defined  | 4471            | notice of change in, to be filed                             | 4095            |
| how to be made   | 4472,4473       | unknown-defendant designated by any                          | 4940, 5574      |
| may be made on separate paper, when ...  | 4473            | true, ascertained, pleading amended...                       | 4938,4940       |
| general, defined   | 4475            | of town or village, how changed                              | 1120-1125.5556  |
| how made special   | 4477            | of persons, towns, etc., how changed...                      | 5556            |
| special, defined   | 4476            | petition to change-what to contain                           | 5557,5558       |
| how may destroy negotiability  | 4478            | costs of proceedings to be paid by petitioner                | 5559            |
| implied warranty of  | 4479            | effect of change, limited                                    | 5559            |
| before delivery to payee, effect of...   | 4480            | signing or endorsing one's own, as act of                    |                 |
| without recourse, effect of  | 4481 4481,4482  | another of same name is forgery. .                           | 6775            |
| gives privity to contract  | 4183            | fictitious name to evidence of debt...                       | 6779            |
| party making, has rights of guarantor  | 4484            | name of townships, how chosen                                | 766, 709        |
| for accommodation, rights of party making  | 4485            | county clerk to record                                       | 708             |
| without consideration, when binding  | 4486            | of town, how given ...                                       | 1008            |
| in due course, defined   | 4487            | fictitious, in partnership                                   | 6612            |
| rights conferred by  | 4488            | to subscription for stock                                    | 6841            |
| of instrument blank  | 4489            | of voter improperly registered                               | 6270            |
| blanks in, may be filled up, when  | 4489            | instituting legal, proceedings in false name                 | 6420            |
| presentment of, for payment, not necessary to charge principal                       | 4490            | unauthorized use of, in prospectus or circular               | 6843            |
| how made   | 4491            | prosecution may be in fictitious name                        | 7243            |
| apparent maturity of, defined.   | 4492, 4494-4496 | true name to be substituted, when                            | 7243            |
| surrender of, or proof of loss, etc., may  |                 | defendant required to declare his true name on arraignment   | 7278            |
| be required on payment of  | 4497            | giving none, court proceeds accordingly                      | 7279            |
| dishonor of, defined   | 4498            | true name given, to be entered                               | 7280            |
| notice of, by whom given   | 4499            | <b>NAVIGATION</b> -rules of                                  | 2885-2888       |
| form of  | 4590            | obstructing-penalty  | 6670            |
| how served   | 4591            | <b>NECESSARIES</b> -contracts by minors                      |                 |
| after death of party notified ..   | 4502,4503       | or persons of unsound mind for                               | 2517            |
| at what time given   | 4504,4505       | furnished to wife, husband liable for..                      | 2595            |
| agent need only give principal   | 4506            | furnished to child, parent liable for....                    | 2613            |
| time allowed party receiving to give   | 4507,           | <b>NEGLIGENCE</b> -defined                                   | 6962            |
| takes effect, in whose favor:  | 4508            | liability for, in general                                    | 2888, 2888,3603 |
| when excused   | 4509            | of depositary for, how limited                               | 3674            |
| presentment and notice of dishonor of, when excused                                  | 4509-4512       | of guest excuses innkeeper                                   | 3686            |
| how waived   | 4513,4514       | hirer must repair injuries caused by his                     | 3737            |
| how extinguished   | 4515            | liability of employer for, how limited..                     | 3754            |
| how revived after extinction   | 4516            | of employe or  | 3753, 3753,3770 |
| implied warranty on sale of  | 3638            | of carrier fo (See Carrier.)                                 | 3887, 3887,3900 |
| duties of agent employed to collect....  | 3789            | person claiming under ostensible authority must be free from | 3993            |
| (See Bank Notes-Bill of Exchange-Certificate of Deposit- Checks - Promissory Notes.) |                 | of agent, principal responsible for, when                    | 3997            |
| <b>NEW PROMISE</b> -to revive claim barred..   |                 | of insured does not exonerate insurer                        | 4175            |
| by statute, in writing   | 4869            | of officer filing mortgage not to prejudice                  | 4386            |
| b administrator to pay debts of estate:  | 5882            | of employes of railway company                               | 6666            |
| <b>NEWSPAPERS</b> -certain reports in,{  |                 | <b>NEGOTIABLE INSTRUMENT</b> -defined                        | 4456            |
| privileged   | 2530            | must be for unconditional payment of money                   | 4457            |
| messages for, entitled to preference...  | 3908            | payee of, must be ascertainable, when.                       | 4458            |
| publication in (See Publication.) publishing false statements to                     |                 | may be in alternative  | 4459            |
| increase sale of   | 6673            | date, place and time of                                      | 4460            |
| <b>NEW TRIAL, IN CIVIL ACTIONS</b> -defined.   | 5087            | may contain pledge   | 4461            |
| grounds for  | 5088            | must not contain other contract                              | 4462            |
| application for-how made, on affidavit when  | 5089            | may bear any date  | 4463            |
| on exceptions statement or record, when  | 5089, 5089,5090 | different species of   | 4465            |
| district court always open for hearing motions for                                   | 4828            | interpretation of  | 4465-4470       |
| notice of intention to move for, what to contain ...                                 | 5090            | as to time of payment  | 4465            |
| motion for-when to be made   | 5090            |  |                 |

# INDEX.

|   | Section.        |  | Section.  |
|---|-----------------|--|-----------|
| <b>NEW TRIAL</b> -in civil actions- <i>Continued.</i> |                 | <b>NORMAL SCHOOL-AT SPRINGFIELD</b>                          |           |
| when and where heard                                  | 5092            | principal- <i>Continued.</i>                                 |           |
| judge may extend time for hearing                     | 5093            | salaries of, how fixed                                       | 370       |
| ordered by the court on its own motion, when          | 5091            | application for admission of pupils                          | 372,373   |
| by supreme court on appeal                            | 5238            | no religious tests required                                  | 385       |
| in mandamus-motion for in what court                  | 5524, 5524,5536 | certificate of attendance of students.                       | 376       |
| CRIMINAL ACTIoNs-defined                              | 7449            | lectures   | 375       |
| supreme court may order, when                         | 7522            | erection of building   | 368       |
| court has power to grant, when                        | 7450            | notice when school is ready for pupils.                      | 371       |
| application for, must be made when..                  | 7451            | selection and sale of school lands....                       | 379       |
| causes for granting                                   | 7450            | <b>NOTARY PUBLIC</b> -appointment of.                        | 494,495   |
| when special verdict is not definite...               | 7427            | must post duplicate of commission....                        | 495       |
| NOLLE PROSEQUI-abolished                              | 7654            | qualification, oath and bond                                 | 496, 1374 |
| NOMINAL DAMAGES-when recoverable                      | 4619            | fees of  | 1419      |
| NON- RESIDENT-intestate, appeal by, prosecuted by     |                 | records of, to be deposited with clerk                       |           |
| representatives                                       | 4883            | district court, when   | 497, 502  |
| otified by mail                                       | 5329-5331, 5334 | protest-of bills and notes                                   | 498, 4551 |
| property of, subject to attachment                    | 4993            | how made   | 4552-4554 |
| attorney appointed to represent, when                 | 5319            | notice of, service of  | 499, 4556 |
| plaintiff, to furnish security for costs              | 5207, 5210      | compensation for   | 500       |
| service of notice-may be made in clerk, when          | 5334            | record of, shall keep  | 501       |
| by publication  | 5290,5111, 5372 | keep seal and deposit copy with secre                        |           |
| summons by publication                                | 4900, 5367      | tary of territory and clerk of district court                | 5503,504  |
| when complete   | 4902            | may administer oaths   | 487       |
| rights of, reserved by the court, when..              | 5025            | may take acknowledgment of deeds, etc., when                 | 3277      |
| <b>NORMAL SCHOOL-AT MADISON</b>                       | 330-347         | may issue subpoenas for witnesses                            | 5261      |
| location and purpose                                  | 330             | may take depositions   | 5285      |
| board-of education-appointment of                     | 332             | duty of on changing residence                                | 505       |
| officers of, and their duties                         | 332             | full faith and credit to be given to notarial act            | 507       |
| meetings of ..  | 345             | penalty for exercising duties after expiration of commission | 508       |
| annual report of to governor                          | 346             | <b>NOTE</b> -promissory                                      |           |
| compensation  | 341             | (See Promissory Note -Negotiable Instrument.)                |           |
| board of visitors                                     | 336             | <b>NOTE OF ISSUE</b> -what to state                          | 5034      |
| principal and teachers-appointmentof                  | 333             | when to be filed   | 5034      |
| compensation, how fixed                               | 333             | need not be filed, when                                      | 5033      |
| lectures ...  | 337             | <b>NOTICE</b> -defined                                       | 4740      |
| application for admission of pupils,and conditions    | 334,335         | actual, defined..  | 4741      |
| no religious test required                            | 347             | constructive, defined  | 4742      |
| certificate of attendance to students.                | 338             | who deemed to have   | 4743      |
| disbursement of funds                                 | 339,310         | false, not made valid by subsequent occurrence               | 4744      |
| selection and sale of school lands..                  |                 | by husband or wife, of application to                        |           |
| <b>ATSPEARFISH</b>                                    | 349-364         | sell or encumber property                                    | 2597      |
| establishment and purpose of                          | 349             | to quit, how given   | 2755      |
| board of education-how constituted                    | 351             | of intention to re-enter, when necessary                     | 2758      |
| officers of, and their duties                         | 351             | of option as to delivery of goods sold must be given         | 3624      |
| meetings of   | 362             | depository must give, of adverse claim to depositor          | 3666      |
| annual report of to governor                          | 363             | of deposit, to real owner                                    | 3667      |
| compensation of                                       | 357             | of sale of perishable property, to depositor.                | 3673      |
| board of visitors                                     | 354             | duties of terminated by                                      | 3680      |
| principal and teachers-appointmentof                  | 352             | of loss under insurance, must be given                       | 4176-4180 |
| compensation  | 352             | defects in, how waived                                       | 4178      |
| application for admission of pupils..                 | 353             | delay in, how waived .. .....                                | 4179      |
| no religious tests required                           | 364             | innkeeper may limit his liability by....                     | 3687      |
| certificate of attendance of students                 | 355             | finder must give, to owner                                   | 3689      |
| disbursement of school funds-*. .                     | 356, 357        | tenant must give landlord, of adverse proceeding             | 3744      |
| selection and sale of school lands....                | 358             | hirer of real property may repair after.                     | 3738      |
| <b>AT SPRINGFIELD</b>                                 | 366-385         | of personal property may repair after                        | 3748      |
| establishment and purpose of                          | 366             | of want of skill in employe, effect of....                   | 3763      |
| board of education-how constituted                    | 369             | employe must give employer, of receipts                      | 3766      |
| meetings of   | 383             | of death, etc., of employer terminates employment, when      | 3773      |
| annual report of to governor                          | 384             | employment terminated by, when                               | 3775      |
| compensation of                                       | 378             |  |           |
| board of visitors                                     | 374             |  |           |
| principal and assistants - appointment Of             | 370             |  |           |



# INDEX.

|   | Section.        |  | Section.         |
|---|-----------------|--|------------------|
| <b>NOTICE-Continued.</b>                                |                 | <b>NOTICE- Continued.</b>                              |                  |
| common carrier cannot alter liability by                | 3886            | to judgment creditor of secured on appeal              | 5104             |
| 'to principal or agent, when deemed notice to the other | 3991            | of intention to issue execution afterfive years        | 5111             |
| of dissolution of partnership, when necessary           | 4059            | of sheriff to judgment debtor of claim of third party  | 5125             |
| how given .   | 4059, 4060      | to judgment debtor to select appraisers                | 5131             |
| of acceptance of guaranty, when necessary               | 4278            | of levy, to judgment debtor                            | 5135             |
| to guarantor of default of principal, when necessary    | 4285            | of sale of personal property by sheriff                | 5141,5385        |
| to writer of letter of credit, when necessary           | 4319            | of real property                                       | 5142             |
| record of mortgage of real property operates as         | 4369            | to sheriff of intention to redeem....                  | 5153, 5422       |
| of assignment of mortgage operates as                   | 4360            | of redemptioner of taxes or assessments paid           | 5153, 5157       |
| filing of mortgage of personal property operates as     | 4380            | of application to restrain waste                       | 5158             |
| of sale of thing pledged to be given....                | 4408            | to amerce sheriff                                      | 5167             |
| to be given on stoppage in transit                      | 4454            | of taxing costs  | 5197             |
| of dishonor to be given to indorser                     | 4479            | of judgment debtor, of proceedings in garnishment      | 5176             |
| by whom to be given                                     | 4499            | of motion to tax costs                                 | 5212             |
| form of   | 4500            | of appeal from district court                          | 5215             |
| how to be served  | 4506            | of plaintiff's acceptance of proposition to compromise | 5246             |
| by party charged with notice, time allowed for          | 4507            | of defendant to accept compromise....                  | 5247             |
| inures to benefit of other parties                      | 4508            | of plaintiff's acceptance of proffered damage          | 5248             |
| when excused  | 4509-4511       | to party to appear for examination                     | 5254, 5255       |
| delay in, when excused                                  | 4512            | to adverse party to take deposition....                | 5289             |
| may be waived   | 4513            | by publication to take deposition                      | 5290             |
| how waived  | 4514            | to opposite party, to take testimony.                  | 5318, 5319       |
| acceptor for honor entitled to                          | 4540            | of motion, service of in certain cases rule            | 5325             |
| acceptance for honer does not excuse                    | 4541            | not necessary in default of answer or demurrer         | 5333             |
| of acceptance or payment for honor to be given          | 4539            | to opposite party to appear before referee             | 5372             |
| of intention to quit, damages for holding over after    | 4608            | of abstract of title, etc                              | 5408             |
| to quit, damages for holding over after                 | 4609            | to foreclose mortgage in real property                 | 5414             |
| before abatement of nuisance, when necessary..          | 4695            | of lien, how given                                     | 5469-5477        |
| must be in writing                                      | 5327            | of application-for order to survey....                 | 5459             |
| required in summons                                     | 4894            | for release from imprisonment                          | 5544             |
| of appearance by defendant                              | 4895, 4895,5025 | for certiorari   | 5508             |
| of no personal claim                                    | 4896            | to change name   | 5557, 5557,5558  |
| of lis pendens  | 4897, 4897,5365 | for mandamus   | 5519, 5520       |
| not required in foreclosure of mort                     |                 | to discharge attachment                                | 5010             |
| gage, mechanics' and miners' liens.                     | 4897            | to show cause why writ of prohibition should not issue | 5532             |
| is required in action for partition....                 | 5365            | to owner of trespassing animals ....                   | 5571, 5571,5572  |
| required in case of struck jury                         | 5042            | to adverse party in writs of error in criminal action  | 7512, 7514, 7516 |
| of application for judgment                             | 4911            | of settlement of bill of exception incriminal action   | 7442             |
| on answer   | 4919            | in application for conditional examination of witness  | 7543             |
| of plaintiff in arrest to sheriff of exception to bail  | 4958            | outside of territory                                   | 7554             |
| of defendant in arrest-to justify bail..                | 4959            | executors or administrators-for settle                 |                  |
| to give bail  | 4965            | ment of. accounts of                                   | 5900, 5900,5901  |
| to plaintiff  | 4954            | of sale by   | 5820, 5831, 5833 |
| claim and delivery-defendant in, to                     |                 | of resale of real estate unfairly sold by              | 5836             |
| sheriff of exception to sureties. ....                  | 4976            | of petition for conveyance of real estate by           | 5872             |
| seizure in  | 4977            | to answer petition for revocation of letters           | 5721             |
| defendant to justify bail in                            | 4978            | or guardian-absconding                                 | 5762             |
| defendant to vacate injunction                          | 4991            | of hearing application for letters of..                | 5713             |
| time and place to assess judgment                       | 5025            | proof of   | 5715,5716        |
| to strike out frivolous pleadings                       | 5026            | of hearing petition for probate of will                | 5664, 5665, 5950 |
| of trial  | 5034,5331       | proof of   | 5667             |
| of intention to present bill of exceptions              | 5083, 5083,5084 | of application for letters of administration           | 5664, 5713, 5950 |
| to move for new trial                                   | 5090            | to revoke letters of administration                    | 5791             |

# INDEX.

|   | Section.        |   | Section.  |
|---|-----------------|---|-----------|
| <b>NOTICE-Continued.</b>                                    |                 | <b>OATH-perjury-Continued.</b>                                |           |
| to probate-foreign will                                     | 5678            | irregularly administered, no defense.                         | 6354      |
| lost will ..  | 5687            | extrajudicial   | 6682      |
| nuncupative will  | 5692            | administering   | 6683      |
| of application for final settlement                         | 5927            | taking  | 6683      |
| to parties interested, of partition of es                   |                 | of office to be taken by all civil officers.                  | 1372      |
| tate of deceased persons                                    | 5930, 5937      | (See Forms.)  |           |
| proceedings to confirm sale of real estate                  | 5836, 5950      | <b>OBEDIENCE</b> -due from employe                            | 3761      |
| proof of, required  | 5840            | from factor   | 3792      |
| postponement of sale  | 5842            | from carrier  | 3845      |
| to creditors of deceased persons..                          | 5787-5789       | from trustee..  | 3940      |
| in summary administration                                   | 5785            | <b>OBJECT</b> -of contract, defined                           | 3525      |
| proof and record of same                                    | 5789            | must be lawful, possible, and ascertainable                   | 3526      |
| in probate court, given by decree                           | 5951            | impossibility of, defined                                     | 3527      |
| personal notice in  | 5951            | when illegality, etc., of, renders contract void in whole     | 3528      |
| to guardians is notice to ward                              | 5961            | when void in part   | 3529      |
| of probate court-preliminary to appointment of guardian     | 5983            | (See Contract.)   |           |
| to show cause why ward's estate shallnot be sold            | 6014, 6015      | <b>OBLIGATION</b> -defined                                    | 3421      |
| to insane person of application for appointment of guardian | 5996            | how created   | 3422      |
| to quit, condition precedent, when                          | 6074            | interpretation of   | 3423      |
| in justices'courts (See Justice's Court.)                   |                 | joint or several  | 3424      |
| <b>NOVATION</b> -defined                                    | 3487            | point, when   | 3425      |
| how made  | 3488            | contribution between parties to                               | 3426      |
| a contract  | 3489            | conditional, when   | 3427      |
| may be rescinded, when                                      | 3490            | species of  | 3428      |
| <b>NOXIOUS WEEDS</b> -what are                              | 2408, 2409      | what must be done before enforcing..                          | 3429      |
| destruction of, on lands and highways                       | 2408            | when condition of, void                                       | 3434      |
| penalty for neglect   | 2409            | involving forfeiture, how interpreted.                        | 3425      |
| <b>NUISANCE</b> -defined                                    | 4681, 4681,5465 | (See Conditions.)   |           |
| nothing authorized by statute to bedeeded                   | 4684            | alternative   | 3436-3439 |
| liability of successive owners of                           | 4685            | right of selection, who has, under....                        | 3436      |
| abatement of, does not prejudice claim for damages          | 4686            | how lost  | 3437      |
| public, defined   | 4682, 4682,6632 | how to be exercised   | 3438      |
| not legalized by lapse of time                              | 4687            | how interpreted when one alterna                              |           |
| remedies against  | 4688            | tive void   | 3439      |
| indictment against, how regulated..                         | 4689            | transfer of burden of   | 3440      |
| when private person may sue upon..                          | 4690            | of right of   | 3441      |
| may be abated by whom and how                               | 4691            | running with land (See Covenants.).                           | 3443-3459 |
| private, defined  | 4683            | extinction of   | 3451-3493 |
| remedies against  | 4693            | by performance (See Performance.)                             | 3451-3457 |
| may be abated by whom and how                               | 4694,5465       | by offer of performance (See Offer of Performance.)           | 3458-3478 |
| only upon notice, when                                      | 4695            | by prevention of performance (SeePrevention of Peformance)    | 3479-3482 |
| penal law specifically enforced against                     | 4623            | by accord and satisfaction (See Accord.)                      | 3483-3486 |
| unequal damage immaterial                                   | 6633            | by novation (See Novation.)                                   | 3487-3490 |
| maintaining, a misdemeanor                                  | 6634            | by release (See Release.)                                     | 3491-3493 |
| lottery is  | 6575            | created by contract (See Contract.).                          | 3494-3596 |
| gambling is   | 6591            | imposed by law  | 3597-3604 |
| racing is ..  | 6602            | to abstain from injury  | 3597      |
| opium joint is  | 2224            | to compensate for deceit                                      | 3598,     |
| town board authorized to abate                              | 1043            | to restore thing wrongfully acquired.                         | 3601      |
| township board of health may abate ..                       | 1311,1312       | upon demand ...   | 3602      |
| how abated  | 1312-1316       | without demand  | 3602      |
| <b>NULLITY OF MARRIAGE</b> (See Divorce.)                   |                 | to compensate for negligence                                  | 3603      |
| <b>NUNCUPATIVE WILL</b> -may be made, when                  | 3310            | damages for breach of   | 4600      |
| by whom and how made  | 3310            | minor cannot disaffirm, what                                  | 2518      |
| (See Will.)   |                 | subject of ownership  | 2676      |
| probate of (See Probate Court.)                             | 5691-5693       | how far a good consideration                                  | 3531      |
| <b>OATH</b> -defined  | 6352            | implied warranty on sale of written....                       | 3638      |
| includes affirmation, etc                                   | 4760, 4760,7660 | not implied from creation of lien                             | 4332      |
| who may affirm  | 488             | specific performance of                                       | 4627-4636 |
| may be administered by whom                                 | 487             | (See Specific Performance-Agency-Carriage -Deposit-Exchange - |           |
| by sheriff, when  | 5125, 5125,5132 | Guaranty - Hiring -Indemnity-Insurance-Lien-Loan-Negotiable   |           |
| by referee, when  | 3290, 3290,5078 | Instrument-Partnership-Service -Trust.)                       |           |
| by judges of election, when                                 | 1448            | <b>OBLITERATION</b> -of instruments or wri                    |           |
| to take depositions   | 5285, 5288      | tings with intent to defraud                                  | 6777      |
| as a basis of perjury                                       | 6351-6353       | of written instrument   | 6906      |
|   |                 | election returns  | 6907      |

# INDEX

|   | Section.        |   | Section.        |
|---|-----------------|---|-----------------|
| <b>OFFICE-Continued.</b>                      |                 | <b>OBLITERATION-Continued.</b>                          |                 |
| offering, as inducement for political support | 6258            | marks-on wrecked property                               | 6623            |
| Falsely assuming office                       | 6298            | on logs   | 6624            |
| fighting duel disqualifies                    | 6496            | judicial records ...                                    | 6372            |
| taking bribe disqualifies                     | 6300            | <b>OBSCENE LANGUAGE</b> -punishment for                 | 6237            |
| vacancies-and supplying same ....             | 1385-1396       | <b>OBSCENE PUBLICATIONS</b> -writing, printing or       |                 |
| how caused                                    | 1385            | distributing, how punished                              | 6567            |
| filled how                                    | 1392-1396       | seizure of  | 6568            |
| brief vacancy not to be filled                | 1394            | character of, summarily determined....                  | 6569            |
| in legislative assembly                       | 1478            | destruction of  | 6569, 6570      |
| removals from-causes for                      | 1387            | indictment for selling or exhibiting ....               | 7258            |
| who may bring action                          | 1388            | <b>OCCUPANCY</b> -title acquired by                     | 3204, 3205      |
| suspension of during trial                    | 1389            | <b>OCCUPATION</b> -of real property, dam                |                 |
| trial as in other actions                     | 1390            | ages for wrongful                                       | 4601, 4601,4609 |
| (See Officers.)                               |                 | <b>OFFER</b> -to contract, how to be accepted           | 4527-4530       |
| <b>OFFICERS</b> -in general:county, elective  | 574             | may be revoked, when                                    | 3521            |
| term of                                       | 574,1379        | how   | 3522            |
| in new counties                               | 1441            | of guaranty not binding until accepted and notice given | 4278            |
| township, elective                            | 715             | <b>OFFER OF JUDGMENT</b> -effect of, as to costs        | 5246            |
| term of ..                                    | 715, 1379       | by plaintiff on counter claim                           | 5247            |
| powers and duties                             | 776-789         | of fixed damages  | 5248, 5248,5249 |
| city, elective                                | 891             | to deposit thing in litigation                          | 4887            |
| appointive                                    | 893             | effect of as to costs in justice's court...             | 6108            |
| term of                                       | 892,894, 1379   | <b>OFFER OF PERFORMANCE</b> - extinguishes obligation   | 3458            |
| town, elective                                | 1036            | for payment of money, when                              | 3473            |
| term of ..                                    | 1036, 1379      | partial, of no effect                                   | 3459            |
| school (See Education.)                       |                 | to be made, by whom                                     | 3460            |
| qualification                                 | 1370-1384       | to whom   | 3461            |
| must be taken by all                          | 1370            | where   | 3462            |
| bond  | 1371-1378       | when  | 3463, 3463,3461 |
| oath on back of                               | 1372            | with compensation for delay                             | 3465            |
| approval of                                   | 1373            | to be made in good faith                                | 3466            |
| to be indorsed                                | 1376            | to be unconditional                                     | 3467            |
| amount  | 1374            | except as to certain things                             | 3471            |
| sureties on                                   | 1375            | party making, must be able to perform                   | 3468            |
| recorded at length                            | 1377            | receipt may be required upon                            | 3472            |
| fee   | 1378            | objections to mode of, when waived....                  | 3474            |
| construed to cover all official duties        | 1382            | thing offered upon, need not be produced                | 3469            |
| when officer must qualify                     | 1380            | must be kept separate                                   | 3470            |
| when term begins                              | 1379            | title to, vests in creditor                             | 3475            |
| re-elected incumbent to account before        | 1383            | how to be kept by debtor                                | 3476            |
| of appointee to fill vacancy                  | 1396            | effect of, on accessories of obligation..               | 3477            |
| vacancies, and supplying same                 | 1385-1399       | of conditions concurrent, necessary,when                | 3432            |
| how caused                                    | 1381,1385       | excused, when   | 3433            |
| resignations                                  | 1386, 1476      | by any person, exonerates surety                        | 4302            |
| removal                                       | 1387-1391       | ability and willingness, when equivalent to             | 4490            |
| causes for                                    | 1387, 1387,7095 | (See Obligation.)                                       |                 |
| action for, who may bring                     | 1388            | <b>OFFICE</b> -eligibility of persons for               | 1486            |
| court may suspend officer during.             | 1389            | soldiers and sailors given preference for, when         | 2474,2475       |
| questions tried as in other                   | 1390            | when term of, begins                                    | 1379            |
| proceedings for                               | 7080-7095       | limitation not to run in case of contest                | 1381            |
| how filled                                    | 1392-1396       | declared vacant, when                                   | 1381            |
| brief not filled..                            | 1394            | appointments-to   | 1111            |
| appointments to fill, must be in writing      | 1395            | vacancies to be made in writing                         | 1395            |
| deputies                                      | 1397-1400       | buying  | 6307            |
| who may appoint                               | 1397, 1397,1399 | selling   | 6308            |
| appointment must be in writing                | 1397            | appointees qualify same as if elected...                | 1396            |
| bond given to principal                       | 1397            | action for usurping                                     | 5356            |
| oath  | 1399            | how forfeited by action                                 | 5348            |
| certain appointments forbidden                | 1400            | lawful exercise of, not to be restrainedby injunction.. | 4650            |
| appointing for reward                         | 6309, 6310      | acting in without qualifying                            | 6296            |
| where certain offices must be kept.           | 1401, 1402      | acts of officer de facto                                | 6297            |
| penalty for failure                           | 1402            |   |                 |
| penalty for payment without                   | 1439            |   |                 |
| taking excessive fees                         | 6303            |   |                 |
| for services not -A-                          |                 |   |                 |
| reward for delays or omissions                | 6304            |   |                 |

# INDEX.

|  | Section.               |  | Section.              |
|--|------------------------|--|-----------------------|
| <b>OFFICERS-taking reward-Continued.</b>                       |                        | <b>OFFICERS-peace officers-arrest-Continued.</b>               |                       |
| for securing fugitives from justice                            | 6306                   | refusal to make  | 0379                  |
| statutes-who entitled to copy of                               | 53                     | execution of warrant (See Arrest.)                             | 7120-7137             |
| property must be turned over to successor                      | 1384, 1384,1391        | <b>OFFICIAL</b> -seal, how affixed                             | 3548                  |
| liability for failure  | 5353, 6312             | negligence not to prejudice mortgagee                          | 4386                  |
| prompt settlements required                                    | 615                    | <b>OLEOMARGARINE</b> -must be labeled as such                  | 2248                  |
| exempt from jury duty  | 443                    | penalty for erasing label                                      | 2249                  |
| confidential communications to privileged                      | 5313                   | duty of health officer to test suspected butter                | 2250                  |
| negligence of not to prejudice mortgagee                       | 4386                   | <b>OLOGRAPHIC WILL</b> -defined                                | 3313                  |
| lien of  | 4446                   | how proved   | 5670                  |
| not to be restrained from exercising office                    | 4650                   | <b>OMISSIONS</b> - in judicial proceedings, how supplied       | 4939                  |
| joint authority to three or more may be                        |                        | in perfecting appeal to supreme court, relief                  | 5235                  |
| exercised by majority  | 4765                   | to perform duty, punishable, when                              | 6942                  |
| depositions by, who may take in territory                      | 5285                   | <b>OPIUM</b> -sale of unlawful, when                           | 2240                  |
| out of territory   | 5286                   | penalty for  | 2243                  |
| acknowledgments by (See Acknowledgments-Proof of Instruments.) |                        | smoking-unlawful   | 2241                  |
| certificate, giving false, penalty                             | 6424                   | unlawful to lease premises to be used for                      | 2242                  |
| embezzlement and false accounts:                               | 6698                   | penalty for  | 2243                  |
| of records or money  | 6372                   | place used for declared a nuisance...                          | 2244                  |
| when guilty of   | 6797                   | justice of the peace has jurisdiction ..                       | 2245                  |
| bribery of or by   | 6299, 6299,6300        | <b>OPPRESSION</b> -avoids contract, when                       | 3504, 3510            |
| levying on property without authority.                         | 6376                   | interest may be given in case of                               | 4578                  |
| habeas corpus, refusing to execute writ(See Habeas Corpus.)    | 7850                   | exemplary damages may be given in case of                      | 4580                  |
| records, injury to   | 6372                   | <b>OPTION</b> -as to place of offering performance, debtor has | 3462                  |
| embezzlement of  | 6372                   | as to delivery, notice of exercise of,must be given            | 3624                  |
| of money   | 6372                   | how waived   | 3624                  |
| tampering with   | 6348                   | <b>ORAL</b> -transfer, may be, when                            | 3227                  |
| extrajudicial oaths, penalty for administering                 | 6383                   | will may be, when  | 3310, 3310,3314       |
| refusing to perform statutory duty                             | 6416, 6701, 6703, 6704 | declarations cannot modify written will                        | 3344, 3366            |
| pertaining to summoning jurors                                 | 4450                   | what contracts may be..  | 3542                  |
| prisoner-permitting escape of (SeeEscapes.)                    | 6373                   | negotiations superseded by writing                             | 3545                  |
| refusing to receive  | 6374                   | declarations of auctioneer cannot mod                          |                       |
| delaying to take before magistrate...                          | 6375                   | ify written conditions of sale                                 | 3649                  |
| refusing to give copy of commitment                            | 7852                   | <b>ORDER</b> -defined  | 5323, 5506            |
| unlawful confinement of after discharge                        | 6629                   | what are appealable  | 5236, 5236,5237       |
| lunatic, unlawful confinement of                               | 6628                   | court always open for entry of                                 | 4828                  |
| wrecked property, unlawful detention.                          | 6625                   | how made out of  | 5324                  |
| attempts to intimidate   | 6386                   | of trial of issues on calendar                                 | 5034                  |
| compounding crimes   | 6384                   | of proceedings on trial of a cause                             | 5047                  |
| disclosing indictment  | 6418                   | for trial of question of fact not at issue                     | 4832                  |
| contracts, fraud in making                                     | 6700                   | what should be recited in, and what not                        | 5949                  |
| exercising functions after expiration of term                  | 6311                   | to be entered at length on minutes of court                    | 5949                  |
| peace officers-definition of                                   | 6968                   | effect accorded to   | 5651                  |
| who are  | 7124                   | granted by court or judge at chambers                          | 50J515666, 5743, 6040 |
| duties in suppressing riot                                     | 7068-7079              | of challenges for cause prescribed                             | 7368                  |
| must show warrant in making. arrest,if required                | 7144                   | of trial may b : changed .,t discretion of judge               | 7370, 7371            |
| may break door, when   | 7146, 7147, 7149       | of resort-in judicial sales of real property megged            | 4337                  |
| may arrest without warrant, when.                              | 7148, 7150, 7151       | of proper, .Aedged to two or more..                            | 4655                  |
| must inform against gambling                                   | 6600                   | to proper of principal, first                                  | 4310                  |
| against violators of liquor law                                | 2220                   | (See Resort.)  |                       |
| against prize fighters   | 6691                   | <b>OSTENSIBLE</b> -agency (See Agency.)...                     | 3965                  |
| forfeiture of office for neglect....                           | 6692                   | authority (See Authority-Agent.)                               | 3979                  |
| when may use force upon person of another                      | 6507                   | <b>OVERSEERS OC' HIGHWAYS</b> (SeeHighways , Bridges and       |                       |
| abused animals lien for care of                                | 6886                   | Ferries.)  |                       |
| stolen property must hold                                      | 7589                   | <b>OVERSEERS OF POOR</b> (See Poor.) OWNER-who is              | 2675                  |
| must deliver on order  | 7590                   | all property has an  | 2684                  |
| search warrant, authority under.                               |                        | who may be   | 2686                  |
| exceeding authority under                                      | 6377, 7632             |  |                       |

# INDEX.

|   | Section.        |  | Section.        |
|---|-----------------|--|-----------------|
| <b>OWNER-Continued.</b>                                   |                 | <b>PAPERS-in criminal actions-Continued.</b>                     |                 |
| the territory is, of what                                 | 2685            | warrant to execute death penalty..                               | 7480            |
| rights of   | 2725, 2726      | what jury may take   | 7411            |
| of thing owns its products, etc                           | 2725            | pardon, filed with secretary                                     | 7603            |
| of future estate may use easements, when                  | 2767            | transmitted on trial in another county                           | 7392            |
| of estate in dominant tenement may en force easement      | 2768            | in change of venue   | 7317            |
| of servient tenement may recover land subject to easement | 2769            | defacement or destruction of                                     | 6348, 6348,6372 |
| of real property, rights of                               | 2771-2786       | may be retained by officers, when                                | 6362            |
| in water  | 2771            | <b>PARDON</b> -governor only may grant                           | 7596            |
| as to boundaries  | 2781-2786       | in case of treason suspends execution                            | 7597            |
| entitled to everything beneath or above                   | 2781            | makes annual report to legislature...                            | 7598            |
| to lateral and subjacent support....                      | 2784            | on application, may inquire of judge                             |                 |
| to trees  | 2785, 2786      | or district attorney for report of trial and conviction          | 7598            |
| obligations of coterminous                                | 2788            | application for, how made  | 7599, 7599,7600 |
| of life estate in real property may use it, how           | 2772            | service of notice of, on judge and district attorney             | 7600            |
| duties of   | 2787            | contest of   | 7601            |
| pledge by apparent, when valid                            | 4397            | governor makes rules   | 7602            |
| defined as to mechanic's lien                             | 5483            | papers filed with secretary of territory                         | 7603            |
| (See Ownership.)  |                 | necessary to restore felon to elective privileges                | 6269            |
| <b>OWNERS</b> -joint, defined                             | 2692            | does not restore convicts to rights of marriage, etc             | 2540            |
| in common, defined  | 2694            | <b>PARENT AND CHILD</b> -by birth                                | 2601-2621       |
| in partnership, defined                                   | 2693            | when relationship of, legitimate                                 | 2601-2603       |
| joint or common, etc., transfer between,                  |                 | rights and duties of   | 2604-2619       |
| does not avoid insurance                                  | 4117            | not liable for each other's acts                                 | 2620            |
| <b>OWNERSHIP</b> -defined                                 | 2675            | succession of, to each other's property                          | 3399-3420       |
| what may be the subject of                                | 2676            | by adoption  | 2622-2631       |
| wild animals may be subjects of, when                     | 2677            | contract of either avoided by duress or                          |                 |
| modifications of  | 2687-2784       | menace of the other, when  | 3504, 3505      |
| may be absolute or qualified                              | 2687            | marriages between, forbidden                                     | 2537            |
| absolute, defined   | 2688            | child protected against abduction from parent                    | 2531            |
| qualified, defined  | 2689            | <b>PARTIAL PERFORMANCE</b> -effect of..                          | 3455            |
| several, defined  | 2690            | offer of, has no effect  | 3459            |
| joint, defined  | 2692            | makes oral contract of sale valid, when                          | 3615,3617       |
| in partnership, defined                                   | 2693            | <b>PARTIES</b> -to marriage, who may be                          | 2535            |
| in common, defined  | 2980            | to contract, who may be  | 3496, 3496,3497 |
| aliens s-Interest-Property.)                              |                 | must be capable of identification                                | 3498            |
| <b>PAPERS</b> -what compose judgment roll.                | 5103            | third person's rights against                                    | 3499            |
| transfer of, in change of venue                           | 4891            | to insurance, who may be   | 4102            |
| who to furnish, on the trial                              | 5036            | in civil actions, how denominated                                | 4830            |
| exhibit of, for inspection of opposingparty               | 5250,5251       | in special proceedings   | 5505            |
| may be excluded from evidence, when                       | 5321,5339       | in appeal  | 5214            |
| transmitted on appeal                                     | 5217            | either may be made witness for opponent                          | 5252-5259       |
| service of (See Service.)                                 | 5327, 5337      | may be witness in their own behalf....                           | 5258            |
| original, lost, copy substituted                          | 5339            | death of one or more, effect on action                           | 4881, 4889      |
| jury take what, on retiring for deliberation              | 5052            | intervenor   | 4886            |
| in probate proceedings-production of,                     |                 | interpleader   | 4887            |
| enforced how  | 5775, 5775,5777 | joinder of-in actions by or against executors and administrators | 5866            |
| of record transmitted to district court, when             | 5653            | how denominated in probate proceedings                           | 5671,5957       |
| clerk of court to return when                             | 5654            | who to be joined as  | 5866            |
| what included in inventory                                | 5765            | may appear and act in person or by attorney                      | 6051            |
| injustice's court-to be exhibited on order                | 6100            | failure of to appear, trial proceeds, how.                       | 6095            |
| genuineness admitted if not denied..                      | 6101            | to crimes, are principal and accessory.                          | 6225            |
| of deceased justice deposited                             | 6127            | accepting gifts from, a misdemeanor, when                        | 6330            |
| in criminal actions-what constitute record                | 7473            | in writ of error, how denominated                                | 7501            |
| furnished sheriff as warrant of execution                 | 7474            | prosecuted criminally, defendant                                 | 7034            |
| in case of fine as in civil actions                       | 7475            | <b>PARTITION</b> -of real property, action for                   | 5362-5410       |
| warrant of imprisonment-copy of judgment                  | 7478            | minor in, represented by guardian                                | 4875            |
|   |                 | place of trial in action of                                      | 4888            |

# INDEX.

## PARTITION-Continued.

|   |            |
|---|------------|
| of estates of deceased persons                          | 5929-5940  |
| (See Executors and Administrators.)                     | 6004       |
| of land of ward, guardian must consent to               | 4027       |
| <b>PARTNER</b> -who is                                  | 4028       |
| part owner of ship is not                               | 4029       |
| can only be admitted by, unanimous consent              | 4031       |
| interest of, in partnership property....                | 4032       |
| share of, in profits and property                       | 4034       |
| may require partnership property to be applied to debts | 4034       |
| lien of, upon partnership property                      | 4036       |
| relation of, confidential                               | 4036       |
| is a trustee  | 4036       |
| obligations of, as trustee                              | 4036       |
| must act in best of faith with copartner                | 4137       |
| must not take advantage of copartner                    | 4037       |
| must account to the firm                                | 4038       |
| entitled to compensation for expenses                   | 4038       |
| not for services  | 4039       |
| may renounce partnership, how                           | 4040       |
| effect of renunciation by                               | 4041       |
| who liable as   | 4051-4054  |
| <b>GENERAL</b> , authority of                           | 4042-4056  |
| to bind minority of copartners                          | 4043       |
| as agent for the firm                                   | 4044       |
| to act under agreement in writing..                     | 4044       |
| to make general assignment, when                        | 4045       |
| to dispose of good will, when                           | 4045       |
| of whole property, when                                 | 4045       |
| confined Jo acts in good faith                          | 4046       |
| in liquidation  | 4061-4650  |
| profits made by, belong to firm, when                   | 4047       |
| may not engage in separate business, when               | 4048       |
| may engage in separate business, when                   | 4049       |
| maybe required to account for separate business, when   | 4050       |
| liability of  | 4051-4054  |
| joint with copartner                                    | 4051       |
| for acts of copartner                                   | 4052       |
| continues after dissolution, when                       | 4057, 4059 |
| may dissolve partnership, when..                        | 4055, 4057 |
| entitled to judgment of dissolution, when               | 4058       |
| notice of withdrawal of, when sufficient                | 4060       |
| may act in liquidation, when                            | 4061-4065  |
| in what manner  | 4064-4065  |
| in special partnership, has sole authority              | 4082       |
| may sue, etc., without special partner                  | 4085       |
| liability of  | 4090       |
| <b>SPECIAL</b> , authority of                           | 4081-4089  |
| may investigate and advise                              | 4083       |
| may lend to or for firm                                 | 4084       |
| claims of, on firm, are subordinate...                  | 4084       |
| not necessary party to actions by or against firm       | 4085       |
| may not withdraw capital                                | 4086       |
| otherwise becomes, general                              | 4088       |
| may receive interest and profits                        | 4087       |
| liability of  | 4091       |
| of contribution of                                      | 4091       |
| as general partner                                      | 4092       |
| new, how admitted ...                                   | 4095       |
| may quit partnership, how                               | 4096       |
| transfer from one to another, does not avoid insurance  | 4117       |

## Section.

## PARTNER-transfer-Continued.

|   |                 |
|---|-----------------|
| insurance by, when applicable to partnership interest | 4145            |
| (See Partnership.)                                    |                 |
| defrauding copartner, a misdemeanor                   | 6626            |
| each liable for taxes due by firm                     | 1560            |
| name of, omitted in action, how liable                | 4901            |
| cannot claim several exemptions                       | 5138            |
| right of, in attachment of partnership property       | 5012            |
| surviving, to make inventory of interest of deceased  | 5864            |
| <b>PARTNERSHIP</b> -defined                           | 4027            |
| interest, defined                                     | 2693            |
| joint use of ship does not create                     | 4028            |
| how formed  | 4029            |
| property, defined .                                   | 4030            |
| interest of partners in                               | 4031            |
| to be applied to partnership debts...                 | 4034            |
| what presumed to be                                   | 4035            |
| profits and losses, how divided                       | 4032            |
| obligations of parties to                             | 4036-4039       |
| to act in good faith                                  | 4037            |
| to account  | 4038            |
| to serve without compensation                         | 4039            |
| renunciation of                                       | 4040            |
| effect of   | 4041            |
| <b>GENERAL</b> , defined                              | 4042            |
| bound by decision of majority                         | 4043            |
| each partner agent for                                | 4044            |
| authority of partners in                              | 4045            |
| acts in bad faith do not bind                         | 4046            |
| obligations of parties to                             | 4047-4050       |
| profits of partners belong to                         | 4047            |
| partner in, may not engage in certain business        | 4048            |
| may engage in other business                          | 4049            |
| must account for certain profits ...                  | 4050            |
| liability of  | 4051-4054       |
| of one held out as                                    | 4053            |
| who liable as   | 4054            |
| duration of   | 4055            |
| how dissolved   | 4056-4058       |
| partner may withdraw from, at anytime                 | 4057            |
| entitled to dissolution, when                         | 4058            |
| notice of dissolution of                              | 4059, 4059,4060 |
| change of name, when sufficient....                   | 4060            |
| powers of partners after dissolution of               | 4061            |
| liquidation of  | 4062-4065       |
| who may act in  | 4062            |
| who may not act in                                    | 4063            |
| powers of partner acting in                           | 4064            |
| name of, what may be used as                          | 4066            |
| foreign, may be used                                  | 4067            |
| certificates to be filed on use of                    | 4068-4071       |
| <b>SPECIAL</b> , how formed                           | 4072            |
| of whom composed                                      | 4073            |
| certificate of to be made                             | 4074            |
| to be acknowledged, and filed                         | 4075            |
| transcript of, to be filed                            | 4075            |
| to be published                                       | 4078, 4078,4079 |
| affidavit of payment of capital of, required          | 4076            |
| renewal, etc., of, to be certified, recorded, etc     | 4080            |
| in what name to be conducted                          | 4081            |
| who may transact business of                          | 4082            |
| special partner in, may investigate and advise        | 4083            |
| may lend to, and recover from                         | 4084            |
| must not withdraw capital from ...                    | 4086            |
| may receive profits from                              | 4087            |

## Section.

# INDEX.

|  | Section.        |  | Section     |
|--|-----------------|--|-------------|
| <b>PENITENTIARY-at Bismarck-convicts-Continued.</b>              |                 | <b>PENITENTIARY-at Sioux Falls-convicts- Continued.</b>      |             |
| employment of outside of prison...                               | 7757            | death of   | 7704        |
| record of conduct kept   | 7758            | employment outside   | 7705        |
| exemption from solitary confinement                              | 7760            | contract of-record to be kept                                | 7706        |
| escaped-capture of   | 7761            | sentence of, how modified                                    | 5707, 7719  |
| labor of, leased how   | 7762-7766       | United States, to be received                                | 7710        |
| good behavior of, how rewarded....                               | 7759            | labor of may be leased                                       | 7714, 772a  |
| <b>AT SIOUX FALLS</b>  | 7664-7721       | escaped, capture of  | 7708        |
| location of  | 7664            | becoming insane  | 7721        |
| is general territorial prison                                    | 7668            | <b>PENSIONS, BUREAU OF</b>                                   | 1939        |
| jurisdiction of courts of Minnehaha county                       | 7669            | <b>PERFORMANCE</b> - of obligation extinguishes it           | 3451        |
| books of, are public records                                     | 7677            | by one joint debtor extinguishes liability of all            | 3452        |
| solitary confinement   | 7695            | to one joint creditor sufficient                             | 3453        |
| hard labor   | 7696            | in mode directed by creditor sufficient                      | 3454        |
| United States-accounts of7                                       | 711             | effect of partial  | 3455        |
| disbursement of funds received from                              | 7712            | when called payment  | 3456        |
| money received from convict labor paid into territorial treasury | 7715            | application of general                                       | 3457        |
| contractors must give security for performance of contract       | 7717            | of condition precedent, necessary, when                      | 3432        |
| convicts may be transferred to or from Sioux Falls penitentiary  | 7726            | when excused   | 3433        |
| contracts for supplies let how....                               | 7687-7690       | offer of (See Offer of Performance.)                         | 3458-3474   |
| officers-consist of  | 7671            | prevention of (See Prevention of Performance.)               | 3479-3482.  |
| appointment of   | 7674            | what time is allowed for                                     | 3463, 3464: |
| salaries of  | 7675            | of principal obligation exonerates surety                    | 4302        |
| shall have no interest in contracts .                            | 7684            | partial, does not extinguish lien                            | 4344        |
| duties of  | 7694            | specific (See Specific Performance.)                         | 4627-4636   |
| must take oath   | 7672            | of conditions precedent, how pleaded                         | 4927        |
| directors appointed, how   | 7665            | of decedents, contract to convey                             | 5018        |
| number of  | 7665, 7665,7675 | <b>PERILS</b> -insured against, what may be                  | 4098        |
| must visit the prison  | 7676            | effect of remoteness and proximateness of                    | 4172        |
| must make annual report  | 7678            | insurer liable for loss incurred in rescue from              | 4173        |
| may require new bond for warden..                                | 7682            | excepted in insurance, effect of loss by                     | 4174        |
| shall approve contracts  | 7686            | caused by fraud, insurer not liable for                      | 4175        |
| may make contract for United States wing                         | 7709            | by negligence, insurer liable for                            | 4175        |
| may make rules governing leasing of convict labor                | 7718            | (See Insurance.)   |             |
| warden-serves all process in the prison                          | 7670            | of the sea, defined  | 3903        |
| how appointed  | 7673            | <b>PERISHABLE PROPERTY</b> -in hands of sheriff, sale of     | 5141        |
| salary of .. .   | 7675            | to be enumerated in sheriff's inventory                      | 4999        |
| has custody of   | 7679            | appeals do not stay sale of                                  | 5233        |
| is treasurer of  | 7679            | order by probate court to sell issues                        |             |
| shall be his own clerk   | 7680            | without notice   | 5816        |
| shall give bond and make oath                                    | 7681            | <b>PERJURY</b> -defined                                      | 6351        |
| may be required to give new bond .                               | 7682            | oath includes affirmation                                    | 6352        |
| shall make rules and regulations...                              | 7683            | no defense to action for, that oath irregularly administered | 6354        |
| shall reside in prison   | 7684            | oath of office in relation to prosecution for                | 6353        |
| shall make annual report   | 7685            | incompetency no defense                                      | 6355        |
| makes all contracts  | 7686            | materiality of testimony not necessary                       | 6356        |
| makes estimate of annual expenses                                | 7691            | as regards depositions                                       | 6357        |
| gives receipt for prisoners                                      | 7692            | punishment for   | 6359        |
| has custody of convicts  | 7693            | witness committing, may be committed summarily               | 6360        |
| has power to maintain discipline...                              | 7700            | may be bound over  | 6361        |
| must keep record of conduct of convicts                          | 7706            | has no privilege   | 6959        |
| convicts-may employ outside                                      | 7705            | documents may be retained                                    | 6362        |
| may lease labor of   | 7714            | subornation of, defined                                      | 6363        |
| right to oversee   | 7716            | punishment for   | 6364        |
| annual report must show number ofUnited States prisoners in      | 7713            | person convicted of, is incompetent as witness               | 6365        |
| convicts-custody of  | 7693            | indictment for   | 7256        |
| food of  | 7697            | evidence in  | 7224        |
| shall not be allowed spirituous liquors                          | 7698            | voter, when guilty of-penalty for                            | 1454        |
| clothing and bedding of  | 7699            | <b>PERPETUATION OF TESTIMONY</b>                             |             |
| treatment of   | 7701            | provisions and rules as to                                   | 5317-5319   |
| effects of   | 7702            | <b>PERSON</b> -defined                                       | 6975.-0976  |
| discharged, what given   | 7703            |  |             |

# INDEX.

|  | Section.             |  | Section.   |
|--|----------------------|--|------------|
| <b>PARTNERSHIP-Continued.</b>                              |                      | <b>PENAL</b> -bonds, etc., valid except as to                |            |
| general partners in, may sue and be sued alone             | 4085                 | penal clauses  | 3579       |
| transfers of, with intent to prefer creditors, void        | 4089                 | damages, in what cases allowed                               | 3581       |
| liability of general partners in                           | 4090                 | law, specific relief not granted to enforce .                | 4623       |
| of special partners in                                     | 4091                 | <b>PENALTY</b> -imposed by contract, void..                  | 3579       |
| who may not question existence of...                       | 4093                 | surety not liable beyond                                     | 4299       |
| how made general   | 4094                 | specific relief, not granted to enforce...                   | 4623       |
| admission of new partners into                             | 4095                 | contract with, may be specifically enforced ...              | 4631       |
| dissolution of   | 4096                 | limitation of action for                                     | 4851       |
| partners may agree not to carry on business                |                      | <b>PENITENTIARY-AT BISMARCK</b>                              | 7722-7767  |
| in the same town after dissolution of                      | 3585                 | located  | 7722       |
| sale of interest by executor and administrator             | 5818                 | is a prison of the territory                                 | 7726       |
| surviving partner to make inventory and                    |                      | transfer of prisoners to or from penitentiary at Sioux Falls | 7726       |
| give bond in settlement of estate of decedent              | 5864                 | courts of Burleigh county have jurisdiction                  | 7727       |
| fictitious, prohibited                                     | 6611                 | records always open to inspection...                         | 7733       |
| fraud in ..  | 6626                 | public notice to be given of letting of contracts            | 7739       |
| <b>PASSAGE TICKETS</b> -regulations regarding sale of, etc | 3022, 3023           | contractor must give bond for performance                    | 7741, 7764 |
| forgery of   | 6767                 | Invoices to be compared                                      | 7742       |
| larceny of   | 6789                 | solitary confinement   | 7747       |
| value of, in how determined                                | 6789                 | hard labor   | 7748       |
| upon the Missouri river must show what                     | 6864                 | proposals for convict labor                                  | 7766       |
| penalty for violation                                      | 6865                 | officers-what are  | 7729       |
| purchaser of, entitled to compensation for delay           | 6863                 | how appointed  | 7730       |
| <b>PASSENGER</b> -entitled to reasonable accommodations    | 3841                 | salary of  | 7731       |
| accepting ticket, how far bound there by                   | 3888                 | may not be interested in any contract                        | 7737       |
| luggage of (See Luggage.)                                  | 3889-3892            | shall take oath  | 7744       |
| entitled to a seat   | 3894                 | duty of  | 7746       |
| must conform to rules of carrier                           | 3895                 | directors-appointment and term of office                     | 7723       |
| may be ejected for non-payment of fare                     | 3897                 | shall make report to governor... .                           | 7724       |
| liabilities of carriers, for injuries                      | 1353                 | shall give bond  | 7724       |
| <b>PASTURE</b> -right of, may be held as easement          | 2760                 | compensation of  | 7725       |
| <b>PAUPER</b> -selling liquor to, forbidden ..             | 6918                 | must visit prison  | 7732       |
| (See Poor.)  |                      | shall approve contracts                                      | 7738       |
| <b>PAWNBROKER</b>  | 6603-6605            | may make rules regarding time of convict labor               | 7765       |
| carrying on business without license...                    | 6603                 | warden-must serve all process with in prison                 | 7728       |
| refusing to exhibit stolen goods                           | 6604                 | how appointed  | 7730       |
| selling pledge before default                              | 6605                 | salary of  | 7731       |
| <b>PAYMENT</b> -defined                                    | 3456                 | shall have charge of prison and property                     | 7734       |
| application of, general                                    | 3457                 | is treasurer of prison                                       | 7734       |
| of less than liquidated debt when due,                     |                      | duties of  | 7734       |
| satisfaction if accepted as such                           | 3486                 | shall give bond  | 7735       |
| time allowed for   | 3572                 | shall make necessary rules and regulations                   | 7736       |
| to agent, when sufficient                                  | 3995                 | shall reside in the prison                                   | 7737       |
| when necessary to claim on indemnity.                      | 4069                 | shall make all contracts                                     | 7738       |
| of negotiable instrument, may be madeto whom               | 4515                 | awards contracts for supplies                                | 7740       |
| for honor may be made, when                                | 4537, 4537,4538      | shall make estimate of expenses...                           | 7743       |
| how made   | 4539                 | shall receipt for prisoners                                  | 7744       |
| must be accepted   | 4538                 | has custody of convicts                                      | 7745       |
| how made in case of foreign bill                           | 4540                 | must maintain discipline                                     | 7752       |
| (See Performance-OVer of Performance.)                     |                      | convicts-may employ outside of ...                           | 7757       |
| effect of, on limitation                                   | 4869                 | keep record of conduct of                                    | 7758       |
| plaintiff examined as to                                   | 5025                 | escaped, capture of  | 7761       |
| suspends execution   | 5440, 5441           | may lease labor of   | 7762-7766  |
| by debtor's debtor to sheriff                              | 5124                 | shall oversee  | 7763       |
| in redemption, to whom made                                | 5156                 | convicts-may be transferred                                  | 7726       |
| of claims against decedents not vet due                    | 5811                 | custody of   | 7745       |
| of debts of decedents                                      | 5843-5847, 5908-5918 | food of  | 7749       |
| <b>PEACE OFFICERS</b> (See Officers.)                      |                      | not allowed spirituous liquors....                           | 7750       |
| <b>PEDDLERS</b> -license of (See License.)                 | 2426-2435            | beds and clothing of   | 7751       |
| <b>PEDIGREES</b> -false-unlawful to give...                | 6622                 | treatment of   | 7753       |
| penalty  | 6622                 | money and effects of   | 7754       |
|  |                      | discharge of   | 7755       |
|  |                      | death of   | 7756       |



# INDEX.

|  | Section.                    |   | Section.  |
|--|-----------------------------|---|-----------|
| <b>PERSON-Continued.</b>   |                             | <b>PETIT JURY</b> -in criminal actions-drawing-Continued. |           |
| general provisions concerning  | 2509-2525                   | ballots with names of those called laid aside             | 7327      |
| meaning of the word  | 4746                        | returned to box when jury discharged                      | 7328      |
| crimes against   | 6428-6436                   | when juror is absent                                      | 7329      |
| <b>PERSONAL PROPERTY</b> -defined..  | 2683, 6973                  | when jurors do not all appear, new jurors summoned        | 7330      |
| by what law governed   | 2875                        | ballots put in box  | 7331      |
| accession to (See Accession.)  | 3213-3221                   | drawing to complete jury                                  | 7332      |
| transfer of (See Transfer.)  | 3255-3367                   | number of jurors  | 7333      |
| bequest of (See Will.)   | 3305-3398                   | sworn, how  | 7333      |
| real property, when deemed   | 3364                        | talesmen summoned, when                                   | 7334      |
| mortgage of (See Mortgage.)  | 4372-4391                   | juror may affirm  | 7335      |
| pledge of (See Pledge.)  | 4392-4417                   | panel, defined  | 7339      |
| remedies concerning (See DamagesSpecific Relief.)  |                             | challenges  | 7337-7369 |
| action for, judgment what  | 5099                        | classification  | 7337      |
| jury to assess value of  | 5062                        | several defendants must join in....                       | 7338      |
| to be exhausted before resort to real property   | 5116, 5119, 5142            | to panel  | 7340      |
| execution on, not lien until levy  | 5121                        | causes  | 7341      |
| (See Property - Corporation - Good WillProduct of the Mind-Ship.)                                    |                             | taken when  | 7342      |
| <b>PERSONAL RELATIONS</b>  | 2533-2674                   | issue on  | 7343      |
| (See Adoption-Apprenticeship-GuardianHusband and Wife-Marriage-Parent and Child-Master and Servant.) |                             | exceptions to, proceedings on....                         | 7344      |
| <b>PERSONAL RIGHTS</b> -defined and regulated  | 2526-2532                   | when denied   | 7345      |
| <b>PERSONS OF UNSOUND MIND</b> -definition of  | 2512                        | trial   | 7346      |
| custody of, how regulated  | .2513, 2632,2639, 2640,2655 | for bias of officer                                       | 7347      |
| contracts of   | 2519-2521                   | allowed, jury discharged                                  | 7348      |
| wills of   | 2521, 2521,3305             | to individual juror                                       | 7349      |
| liability of, for wrongs   | 2522, 2523                  | nature of   | 7350      |
| marriage of, may be annulled   | 2553, 2553,2554             | must be taken before jury is sworn                        | 7351      |
| corporation stock belonging to, how represented  | 2910, 2910,2979             | peremptory-taken when                                     | 7352      |
| summons, how served on   | 4898                        | defendant's   | 7353      |
| limitations suspended in case of..   | 4847, 4860                  | prosecutor's  | 7354      |
| guardian of discharged how   | 6034                        | when challenges for cause are exhausted                   | 7369      |
| <b>PETIT JURY IN CIVIL ACTIONS</b>   |                             | for cause-taken when                                      | 7355      |
| how impaneled  | 5037-5064                   | classed   | 7356      |
| is under direction of the court  | 5037-5046                   | general   | 7357      |
| tries only issues of fact  | 5051                        | Particular  | 7358      |
| may have view of property in litigation  | 5032                        | implied bias  | 7359      |
| may decide in court or retire for deliberation   | 5050                        | particulars must be stated....                            | 7361      |
| has the judge's charge in retirement.  | 5053                        | exemption from jury service not included                  | 7360      |
| may be broughtinto court for information   | 5049                        | what not grounds  | 7361      |
| proceedings when juror falls sick....  | 5054                        | exceptions  | 7362      |
| no verdict, retrial may be had, when   | 5055                        | tried by the court  | 7363      |
| receives the law from the court  | 5056                        | juror may be used as witness...                           | 7364      |
| verdict may be sealed, when  | 5048                        | other witnesses   | 7365      |
| form of, in writing, signed by foreman   | 5057                        | allowed or disallowed                                     | 7366      |
| may be general or special  | 5058                        | order of taking   | 7367      |
| must be unanimous  | 5060, 5061                  | must be taken separately                                  | 7368      |
| may be corrected on suggestion of court  | 5058                        | trials by-for libel, decides law and fact                 | 7373      |
| how rendered in open court   | 5059                        | otherwise, only fact                                      | 7374      |
| jurors may be polled   | 5058                        | discharged when jurisdiction fails..                      | 7390      |
| to specify amount of recovery. .   | 5063, 5522                  | may disregard advice to acquit. ...                       | 7396      |
| judge may vacate on his own motion   | 5091                        | may view place where offense was committed                | 7397      |
| misconduct by, cause for new trial...  | 5088                        | custody and conduct of                                    | 7399      |
| maybe waived, how  | 5065                        | admonished by court                                       | 7400      |
| (See •Jury-Jurors-Struck Jury.)  |                             | when juror is taken sick                                  | 7401      |
| <b>IN CRIMINAL. ACTION s</b> -formation..  | 7322-7335                   | charge of court   | 7405      |
| who are jurors   | 7322                        | may decide in court or retire for deliberation            | 7406      |
| juries formed how  | 7323                        | deliberations   | 7409-7416 |
| ballots prepared by clerk  | 7324                        | room provided   | 7409      |
| all the jurors may be called   | 7325                        | food and lodging furnished                                | 7410      |
| manner of drawing  | 7326                        | what papers taken to room                                 | 7411      |
|  |                             | brought into court for information                        | 7412      |
|  |                             | juror taken sick after retirement                         | 7413      |
|  |                             | cannot be discharged until when                           | 7414      |
|  |                             | cause retried when  | 7415      |

# INDEX.

|  | Section.         |  | Section.         |
|--|------------------|--|------------------|
| <b>PETIT JURY</b> -trials by-deliberations <i>Continued.</i> |                  |  |                  |
| court may adjourn from time to time during absence           | 7416             |  |                  |
| must find degree of crime                                    | 6208             | <b>PLACE OF TRIAL</b> - <i>Continued.</i>            |                  |
| must designate punishment in verdict for murder              | 6449             | of criminal actions                                  | 7096-7112        |
| discharged by final adjournment...                           | 7417             | change of  | 7312             |
| ground for new trial-receiving evidence out of court         | 7450             | in justice's court                                   | 6044             |
| misconduct of jury   | 7450             | change of  | 6153             |
| misdirection on matter of law....                            | 7450             | (See Venue.)   |                  |
| <b>PETIT LARCENY</b> (See Larceny.)..                        | 6780-6795        | <b>PLAINTIFF</b> -defined                            | 4830             |
| <b>PETIT TREASON</b> -abolished                              | 6440             | must be real party in interest                       | 4870             |
| <b>PEW</b> -may be held as easement                          | 2760             | exceptions, assignee                                 | 4871             |
| as servitude   | 2761             | executor, administrator, trustee...                  | 4872             |
| absolutely exempt  | 5127             | guardian   | 4874             |
| <b>PHARMACY</b> -who may practice                            | 217              | receiver for debts assigned                          | 5019             |
| pharmacist-registration of                                   | 218, 222         | one may sue for all                                  | 4879             |
| who may be licensed as                                       | 219              | heirs, for damages-grantee of land...                | 4870             |
| boards of, to be appointed                                   | 220              | from death by railroad                               | 5499             |
| meetings of, for examination of applicants                   | 221              | county may sue in case of bastardy....               | 5568             |
| general duties of  | 221              | married woman may sue                                | 4873             |
| secretary of, duties of                                      | 227              | sheriff to recover debts attached                    | 5006             |
| registration-requirements of persons claiming                | 222              | may sue-for debts attached                           | 5007             |
| certain exemptions concerning                                | 223              | to abate a nuisance                                  | 5465             |
| fees for, and license  | 224              | claimant to office joins territory as                | 5349             |
| of assistant and clerks                                      | 225              | corporations may sue                                 | 5207             |
| practitioners, annual fees of                                | 226              | who should join as                                   | 4877-4879, 5453  |
| penalty-for failure to comply with thelaw                    | 228              | intervenor may join as                               | 4886             |
| for adulterations of drugs, etc                              | 229              | must possess legal capacity to sue                   | 4909             |
| poisons to be labeled and register to be kept                | 230              | is liable for costs, when                            | 5202, 5202, 5203 |
| penalty for failure  | 230              | may be required to furnish security for costs        | 5207, 52109 5211 |
| offenses, how prosecuted                                     | 231              | may not serve summons                                | 103              |
| penalties collected inure to the board                       | 231              | may note issue and have case calen dared             | 238              |
| <b>PHYSICIANS</b> -who may practice as....                   | 205              | rights of, on trial of action                        | 247-249          |
| penalty for practicing without license                       | 205              | may sue before claim due, when                       | 218              |
| giving false prescription for liquor, how punished           | 2218             | must furnish papers to the court on trial....        | 240              |
| intoxicated, endangering life                                | 6606             | may amend pleadings, when                            | 4937             |
| producing death, guilty of manslaughter                      | 6459             | may make supplemental pleading, when                 | 4942             |
| administering injurious drug with intent to produce abortion | 6538             | rights of, to challenge jurors-peremptory            | 5039             |
| privileged as to testifying                                  | 5313             | for cause  | 6040             |
| fees of, what property exempt from...                        | 5136             | rights of to open and close the argument             | 5047             |
| exempt from jury duty  | 443              | refusing to accept fixed damages, must prove same    | 5249             |
| may be summoned by coroner                                   | 678              | may recover damages from defendant                   |                  |
| compensation for post mortem examination                     | 1414             | for holding real property, when                      | 5454             |
| appointed to county asylum                                   | 2164             | who is, in probate court                             | 5671, 5684, 5957 |
| jury of, to inquire of pregnancy                             | 7489             | minor, guardian ad litem appointed injustice's court | 6052             |
| <b>PIERS</b> -interference with                              | 6901             | right to challenge jurors injustice court            | 6097             |
| <b>PILES</b> -removing or injuring                           | 6903             | <b>PLATS</b> -town and city                          | 1095-1113        |
| <b>PILOT</b> -shipmaster must take, when....                 | 3798             | general provisions                                   | 1095-1105        |
| liable for negligence of, when                               | 4024             | vacation by district court                           | 1106-1108        |
| <b>PILOTING</b> -unlicensed, how punished..                  | 6644, 6645       | by declaration of owners                             | 1109-1113        |
| <b>PIPE</b> -gas or water, injuring or destroying            | 722              | <b>PLEADINGS</b> -all forms of abolished....         | 4905             |
| <b>PITS</b> -keeping for fighting animals                    | 6888             | to be liberally construed                            | 4924             |
| <b>PLACE OF TRIAL</b> -of civil actions                      | 4888-4891        | must be subscribed by party or attorney              | 4921             |
| in counties where cause arose, when.                         | 4888, 4889       | may be verified-or not                               | 4921             |
| in judicial subdivision, when                                | 4897, 4897, 5033 | when necessary                                       | 4921, 4921, 5245 |
| in county which plaintiff may designate, when                | 4890             | how  | 4922             |
| change of  | 4891             | irrelevant matter stricken out                       | 4925             |
| n justice's court-in county of defendant's residence         | 6041, 6076       | sham answers and defenses stricken out               | 4917             |
| change of  | 6045             | allegations in, not controverted, deemed true ..     | 4933             |
|  |                  | supplemental, when allowed                           | 4942             |
|  |                  | may be made by leave after time allowed              | 4939             |
|  |                  | may be amended, when and how                         | 4938             |
|  |                  | to be filed, when                                    | 4900, 5335       |
|  |                  | in criminal actions-indictment (SeeIndictment.)      | 7239-7262        |
|  |                  | demurrer (See Demurrer.)                             | 7290-7300        |
|  |                  | pleas  | 7301-7311        |

# INDEX.

|  | Section.   |  | Section.        |
|--|------------|--|-----------------|
| <b>PLEADINGS</b> -in criminal actions- <i>Continued.</i>   |            | <b>POISONS</b> -sale of by druggists, record           |                 |
| errors and mistakes -informalities not fatal..             | 7588       | must be kept   | 230, 6648, 6650 |
| entitling of affidavits and depositions unnecessary        | 7587       | laying out, near town or dwelling                      | 6651            |
| in justices'courts (See Justices' Courts.)                 | 6058, 6066 | administering with intent to kill                      | 6478            |
| (See 9.nswer-Complaint--Demurrer-Indictment-Motion-Reply.) |            | to domestic animals, administering is felony..         | 6884            |
| <b>PLEDGE</b> -defined                                     | 4392       | putting in food or water                               | 6607            |
| what to be deemed  | 4348, 4393 | <b>POLICE</b> -organization of                         | 7066            |
| lien of, dependent on possession                           | 4394       | must attend public meetings                            | 7067            |
| covers increase of property                                | 4395       | to inform against gamblers                             | 6600            |
| lienor may, to extent of lien                              | 4396       | (See Cities-Officers.)                                 |                 |
| factor may not   | 4011       | <b>POLICE OF THE TERRITORY</b>                         | 2141-2448       |
| when valid against real owner                              | 4397       | settlement and support of the poor                     | 2141-2178       |
| lender defined   | 4398       | insane, care of  | 2179-2202       |
| may withdraw, when   | 4400       | intoxicating liquors, sale of                          | 2203-2239       |
| holder defined   | 4399       | opium, smoking, and sale of                            | 2240-2245       |
| obligations of   | 4401-4404  | public health  | 2246-2260       |
| further, when may be required                              | 4405       | domestic animals                                       | 2261-2364       |
| sale of, may be made, when                                 | 4406       | game   | 2366-2391       |
| not until demand made                                      | 4407       | prairie fires  | 2392-2404       |
| notice of time and place of, necessary                     | 4408       | tree-planting, bounty for                              | 2405-2407       |
| when may be waived   | 4409       | noxious weeds  | 2408-2409       |
| demand before, may be waived, how.                         | 4410       | fire escapes   | 2410,2411       |
| pledgor may compel   | 4413       | stampedes in public buildings                          | 2412-2415       |
| evidences of debt under                                    | 4412       | weights and measures                                   | 2416-2425       |
| pledgor entitled to surplus at                             | 4414       | licenses   | 2426-2442       |
| what pledgee may retain from                               | 4415       | manufactures, protection of                            | 2443-2447       |
| when pledgee may purchase at                               | 4416       | logs and lumber  | 2448            |
| foreclosure of (See Lien.)                                 | 4417       | <b>POLICY OF INSURANCE</b> -in general                 | 4141-4154       |
| may be contained in negotiable instrument..                | 4461       | defined  | 4141            |
| selling before default                                     | 6605       | must specify what                                      | 4142            |
| <b>PLEDGEE</b> -must have possession                       | 4394       | interest of person specified in, alone covered         | 4143            |
| may commit possession to pledgeholder                      | 4394,4399  | of principal, how may be covered by                    | 4144            |
| liable as depositary for reward                            | 4403       | of joint owners, etc., how may be covered              | 4145            |
| may require further pledge, when                           | 4405       | who can claim benefit of general description in        | 4146            |
| may sell things pledged, when                              | 4406       | may be made for benefit of successive owners           | 4147            |
| how  | 4407-4411  | transfer of thing insured does not transfer            | 4148            |
| must not sell evidences of debt                            | 4412       | suspends   | 4148            |
| must demand performance before sale                        | 4413       | open defined   | 4150            |
| must give notice of sale                                   | 4408       | valued, defined  | 4151            |
| may retain what, out of proceeds of sale                   | 4414,4415  | running, defined                                       | 4152            |
| must pay surplus to pledgor                                | 4414       | effect of receipt in                                   | 4153            |
| cannot purchase, except from pledgor                       | 4416       | agreement not to transfer claim under,after loss, void | 4154            |
| may foreclose right of redemption, how                     | 4417       | express warranty must be in                            | 4157            |
| may be authorized by court to purchase                     | 4417       | positive statement in, is a warranty....               | 4159            |
| <b>PLEDGOR</b> -must delier possession....                 | 4394       | when avoided by breach of warranty...                  | 4163            |
| for benefit of third person, rights of ...                 | 4398       | (See Insurance.)                                       |                 |
| cannot withdraw pledge, when                               | 4400       | <b>POLLS</b> -when to be opened and closed..           | 1449            |
| must make further pledge, when                             | 4405       | <b>POLL BOOKS</b> -names to be recorded in how         | 1467            |
| entitled to demand before sale                             | 4407       | to be certified  | 1467            |
| to notice of sale  | 4408       | to be preserved  | 1468            |
| waiver of demand by  | 4410       | subject to inspection by the public                    | 1468            |
| of notice by   | 4409       | regulations concerning                                 | 1485            |
| may require sale of thing pledged                          | 4413       | <b>POLL LIST</b> -clerks of elections to               |                 |
| surplus proceeds of sale to be paid to..                   | 4414       | keep-what to contain                                   | 1458            |
| thing pledged can be purchased by pledgee, etc., only from | 4416       | to compare on adjournment                              | 1459            |
| <b>PLEDGEHOLDER</b> -defined                               | 4399       | placed in ballot box during adjournment                | 1460            |
| must enforce all rights of pledgee                         | 4402       | to be compared at beginning of canvass of votes        | 1465            |
| for reward cannot exonerate himself..                      | 4401       | ballots made to agree with, how                        | 1466            |
| liable as depositary for reward                            | 4103       | at township elections                                  | 727             |
| gratuitous, may exonerate himself, how                     | 4401       | keeping false, at election                             | 6284            |
| liable as gratuitous depositary                            | 4404       | <b>POOR</b> -settlement and support of..               | 2141-2178       |
| can purchase from pledgor only                             | 4415       | each county to care for its own                        | 2143            |

# INDEX.

|  | Section.               |  | Section.        |
|--|------------------------|--|-----------------|
| <b>POSTHUMOUS CHILD-Continued.</b>                         |                        | <b>POOR- Continued.</b>                                  |                 |
| birth of, defeats certain future interests                 | 2777                   | legal settlement-how acquired andlost                    | 2144            |
| <b>POST MASTER</b> -exempt from jury duty                  | 443                    | when uncertain   | 2151            |
| <b>POSTPONEMENT</b> -of trial, costs                       | 5199                   | care-overseers have                                      | 2145            |
| of sheriff's sale ..                                       | 5145                   | and support, who are entitled to                         | 2147, 2148      |
| sale under foreclosure proceedings....                     | 5417                   | may appeal to district judge, when....                   | 2150            |
| hearing-of petition to probate will...                     | 5667                   | temporary relief to                                      | 2152            |
| for final settlement                                       | 5903                   | removal of-from county not entitled to support..         | 2153            |
| of administrator's sale                                    | 5841, 5841,5842        | appeal from order of                                     | 2154-2156       |
| by justice's court on its own motion....                   | 6085                   | after, must be supported by proper county                | 2157            |
| by consent of parties                                      | 6086                   | when non-resident, proceedings when sick or dies         | 2161            |
| on application of either party ....                        | 6087, 6087,6155        | asylum and poor house                                    | 2162-2175       |
| in forcible entry and detainer                             | 6077                   | special election for purchase of                         | 2162            |
| in criminal proceedings -of trial forcause                 | 7336                   | superintendent, appointment and duties of                | 2162,2163       |
| by the court, when   | 7651, 7846             | bond and report of                                       | 2168            |
| evidence showing higher offence                            | 7387                   | physician, appointment of                                | 2164            |
| (See Adjournment.)   |                        | tax for purchase of                                      | 2166            |
| <b>POUNDS</b> (See Townships.)                             |                        | all paupers to be removed to                             | 2167            |
| <b>POUND MASTERS</b> -(See Townships.)                     |                        | education of children at                                 | 2169-2170       |
| <b>POWER</b> -cannot be delegated by minor.                | 2514                   | discontinuance of  | 2171            |
| by persons of unsound mind                                 | 2521                   | visiting board, appointment and compensation of          | 2174, 2175      |
| of sale, may be given by mortgage                          | 4353                   | unlawful to send poor person out of proper county        | 2176,2177       |
| under mortgage, how executed                               | 4354                   | penalty for bringing paupers into county                 | 2178            |
| <b>POWER</b> -in relation to real property                 | 2812-2874              | overseers of-county commissioners are                    | 2141            |
| defined  | 2814                   | suits by, or against, how conducted..                    | 2142            |
| grantor of, defined  | 2815                   | have care for poor in county                             | 2145            |
| grantee of, defined  | 2815                   | duties in county without poor house                      | 2146            |
| general  | 2817                   | annual allowance to certain poor persons                 | 2147            |
| special  | 2818                   | duty-on complaint of ill treatment..                     | 2148            |
| beneficia  | 2819                   | pertaining to removal of poor not                        |                 |
| in trust   | 2801-2803,2820         | having legal settlement                                  | 2153-2157       |
| general  | 2821                   | in case of sickness or death of non resident             | 2161            |
| special ....   | 2822                   | record of, entitled to care                              | 2149            |
| who can grant  | 2823                   | may grant temporary relief                               | 2152            |
| who may hold   | 2824                   | report to county clerk                                   | 2158            |
| how granted  | 2825                   | compensation of  | 2159            |
| may be reserved by grantor of estate..                     | 2826                   | accounts of to be submitted annually.                    | 2160            |
| irrevocable  | 2827                   | power-to bind out poor children                          | 2165            |
| lien upon property   | 2828                   | to remove all paupers to poor house                      | 2167            |
| given by mortgage, part of security....                    | 2829                   | unlawful confinement of lunatics by..                    | 6628            |
| beneficial, passes to insolvent's assignees                | 2829                   | <b>POOR HOUSE</b> (See Poor.)                            |                 |
| execution of, by whom                                      | 2830-2832              | <b>PORT WARDEN</b> -person assuming to be                | 6646            |
| how made   | 2833, 2833,2834        | <b>POSSESSION</b> -of real proper, when may be recovered | 4624            |
| by devise  | 2835                   | when presumed  | 4840, 4845      |
| when not by will   | 2836                   | of personal property, how recovered...                   | 4625            |
| when grantor's directions concerning, impracticable        | 2837                   | change of, not necessary to mortgage..                   | 4346            |
| may be disregarded   | 2838, 2839             | necessary to pledge                                      | 4394            |
| must be followed   | 3840                   | mortgagee not entitled to, by virtue of mortgage         | 4358            |
| consent of third persons to, howgiven                      | 2841                   | may acquire, how   | 4358            |
| how far necessary  | 2841, 2842             | of tenant, is that of landlord                           | 4845            |
| may be compelled, when                                     | 2866, 2867, 2872, 2873 | adverse-what is deemed                                   | 4841, 4842      |
| instrument in, need not recite power..                     | 2843                   | actual occupancy without written title                   | 4843, 4844      |
| may be recorded...   | 2844                   | of e tate of decedent belongs o administrator            | 5772, 5860,5862 |
| suspension of alienation by, how computed                  | 2846                   | of executor or administrator is that of heirs            | 5772            |
| what estate may be given by                                | 2847                   | term of, for purposes of administration                  | 5773            |
| how affected by fraud                                      | 2850                   | of counterfeit note, bill, or draft, with                |                 |
| excessive disposition by virtue of, void only as to excess | 2845                   | intent to defraud, is forgery                            | 6758            |
| married woman may be vested with...                        | 2851, 2858             | <b>POSTHUMOUS CHILD</b> -when entitled to take property  | 2706            |
| vested with, may act as if unmarried.                      | 2848                   |  |                 |
| when deemed absolute                                       | 2856                   |  |                 |
| to life owner, to make leases, may be granted              | 2858, 2851             |  |                 |
| cannot be separated from estate                            | 2860                   |  |                 |
| how extinguished   | 2861                   |  |                 |

# INDEX.

|   | Section.       |   | Section.        |
|---|----------------|---|-----------------|
| <b>POWER</b> -to life owner- <i>Continued.</i>                          |                | <b>PRESENTMENT</b> -of negotiable instruments- <i>Continued.</i>                  |                 |
| bound by mortgage   | 2862, 2863     | delay in, when excused  | 4512            |
| special and beneficial, may be reached by creditors                     | 2864           | when waived   | 4513, 4513,4514 |
| beneficial, not enumerated, void  | 2865           | of bill of exchange for acceptance.   | 4525-4529       |
| in trust, is imperative   | 2866           | of one of a set, sufficient   | 4521            |
| shares are beneficiaries under...                                       | 2868, 2869     | may be made, when   | 4525            |
| execution of, after death of trustee...                                 | 2870           | to be made, how, where and to whom  | 4526            |
| when devolves upon district court.                                      | 2871           | to one of joint drawees, sufficient....   | 4527            |
| may be adjudged in favor of creditors                                   | 2872           | to drawee in case of need, necessary.   | 4528            |
| defective, may be remedied  | 2873           | within what time necessary to charge drawer, etc                                  | 4529            |
| certain provisions applicable to  | 2874           | how excused   | 4546            |
| <b>POWER OF ATTORNEY</b> -is not a conveyance                           | 3294           | delay in, how excused   | 4547            |
| how revoked   | 3295           | for payment   | 4542-4545       |
| not affected by provisions concerning powers                            | 2813           | where to be made  | 4542, 4542,4543 |
| to execute mortgage must be in writing                                  | 4354, 4355     | effect of delay in  | 4544, 4544,4545 |
| transfer of real property   | 3245           | how excused   | 4548            |
| gratuitous employe under must act....                                   | 3757           | of promissory note, effect of delay in..  | 4566            |
| <b>PRAIRIE FIRES</b>  | 2392-2400      | of check, effect of delay in  | 4568            |
| forbidden between certain dates   | 2392           | (See Bill of Exchange-Negotiable Instrument.)                                     |                 |
| penalty   | 2392           | <b>IN CRIMINAL PROCEEDING</b> -definition of                                      | 7212            |
| permitted when there is a fire-break fifty feet wide                    | 2393           | how found   | 7226            |
| when accidental damages result  | 2394           | signed by foreman   | 7227            |
| fires for destruction of grasshoppers may be set when                   | 2395           | bench warrant-may issue   | 7228            |
| notice shall be given to adjacent residents                             | 2395           | clerk to issue  | 7229            |
| must be extinguished same day it is set                                 | 2396           | served, when  | 7231            |
| penalty for violation   | 2397           | proceedings of magistrate   | 7232            |
| penalty for wilfully or negligently setting fire                        | 2398           | <b>PRESUMPTION</b> -that domicile of husband is that                              |                 |
| responsibility to person damaged  | 2399           | of wife, does not hold in divorce   | 2579            |
| when cattle range is injured  | 2399           | as to legitimacy of children  | 2601, 2601,2602 |
| wilful setting of   | 6659           | as to date of delivery of grant   | 3230            |
| negligent setting of  | 6660           | that gift is made in view of death  | 3264            |
| proof necessary to establish claim for damages ..                       | 2400           | that right or obligation is joint   | 3425            |
| <b>PRECINCT</b> (See Elections.)  |                | that creditor's retention of part performance is not voluntary                    | 3455            |
| <b>PREFERENCE</b> -common carrier must give to government and territory | 3883           | as to origin of uncertainty in contract   | 3569            |
| to be given by common carrier of messages, when                         | 3908           | of extent of damages may be agreed upon, when                                     | 3581            |
| not allowed in assignments for benefit of creditors                     | 4660           | that depositary is in fault in certain cases                                      | 3674            |
| <b>PREGNANCY</b> -of female sentenced to death                          | 7489-7491      | as to term for which real property is hired ...                                   | 3739            |
| <b>PRELIMINARY EXAMINATION</b> (See Examination of Oifenders.)          | 6145           | that hiring of real property is renewed   | 3741            |
| <b>PREMIUM</b> -of insurance  | 4165-4171      | that certificate of master, etc., in favor  |                 |
| when earned   | 4165           | of sailor, is true  | 3818            |
| return of, when must be made....  | 4166, 4167     | that managing owner of ship has no compensation                                   | 3828            |
| when need not be made   | 4168           | that transactions between trustee and beneficiary are affected by undue influence | 3928            |
| in case of fraud  | 4167           | that representation in insurance refers   |                 |
| in case of over-insurance   | 4171           | to time of completion of contract....   | 4135            |
| contribution to   | 4170           | that person insured has knowledge of prior loss                                   | 4197            |
| by simultaneous insurers  | 4170           | that signature to negotiable instrumentis for value, etc                          | 4470            |
| by successive insurers  | 4171           | that bill of exchange is dishonored,when  | 4493            |
| rate of, must be specified in policy                                    | 4142           | as to damage caused by conversion of personal property                            | 4603, 4604      |
| <b>PRESCRIPTION</b> -title acquired by                                  | 3205           | as to adequacy of damages as relief....   | 4629            |
| false, physician giving, for intoxicating liquor-misdemeanor            | 2218           | in revising contract, that parties intended a fair agreement                      | 4638            |
| <b>PRESENTMENT</b> -of negotiable instrument for papment                | 4490-4497      | that certain transfers, without changeof possession, are fraudulent               | 4657            |
| to principal debtor, not necessary tocharge                             | 4490           | (See Evidence.)   |                 |
| to be made how, where and to whom                                       | 4491           | from refusal to exhibit license, when...  | 2435            |
| apparent maturity for purpose of....                                    | 4492,4494,4495 | of malice from malicious publication...   | 6513            |
| when excused  | 4509-4514      | directors of corporations presumed to have knowledge, etc                         | 6858            |
|   |                | to have assented, when  | 6859, 6859,6860 |
|   |                | of intent-from act of killing   | 6443            |
|   |                | to maim, from act of injury   | 6470            |

# INDEX.

|   | Section.        |   | Section.        |
|---|-----------------|---|-----------------|
| <b>PRESUMPTION-Continued.</b>                       |                 | <b>PRINCIPAL-in guaranty- Continued</b>                   |                 |
| of malicious intent in arson, when                  | 6724            | guaranty for successive liabilities of.                   | 4288, 4288,4289 |
| need not be stated in indictment                    | 7251            | guarantor exonerated by certain dealings of creditor with | 4290            |
| of innocence-theory of trial                        | 7376            | not exonerated by delay in proceeding against             | 4294            |
| legal title to realty presumes possession           | 4840            | by discharge of, by act of law ....                       | 4296            |
| possession of tenant presumes that of landlord      | 4845            | indemnified by, liable to extent of indemnity             | 4295            |
| of death from seven years'absence....               | 5312            | IN SURETYSHIP-apparent, may show that he is surety        | 4298            |
| of negligence, from killing of stock....            | 5501            | surety may require creditor to proceed against            | 4305            |
| railroad company presumed to have notice, when      | 5471            | may compel, to perform obligation                         | 4306            |
| in favor of probate proceedings, as in other courts | 5651            | may enforce creditor's remedies against                   | 4308            |
| arising on delay of nominated executor to qualify   | 5662            | entitled to application of property                       |                 |
| <b>PREVENTION OF PERFORMANCE</b>                    |                 | of, to discharge of obligation                            | 4310            |
| when an excuse                                      | 3479            | must reimburse surety                                     | 4307            |
| rights of debtor in case of                         | 3480, 3480,3481 | (See Agency- Guaranty-Suretyship.)                        |                 |
| of reduction of contract to writing, effect of      | 3543            | TO CRIME-defined  | 6226            |
| <b>PREVENTIVE RELIEF</b> -to be given only in       |                 | distinction between principal and accessory abolished     | 7260            |
| special cases                                       | 4572, 4572,4620 | jurisdiction of, when not present when crime committed    | 7112            |
| how given   | 4621            | <b>PRINTED</b> -parts of contract inferior to             |                 |
| in general  | 4647-4650       | written parts   | 3566            |
| (See Injunction.)                                   |                 | <b>PRINTERS</b> -fees of-in matter of estrays             | 1425            |
| <b>PRICE</b> -defined                               | 3605            | for publishing legal notices                              | 1430-1432       |
| when to be paid                                     | 3643            | for publishing delinquent tax list....                    | 1620            |
| of real property, priority of mortgage for          | 4336            | payable in advance  | 5164            |
| lien for  | 4440            | measurement how made                                      | 1430            |
| of personal property, lien for                      | 4439            | affidavit of publication, what to contain                 | 1431            |
| <b>PRINCIPAL-IN AGENCY</b> , and agent, defined     | 3960            | additional, of no rebate                                  | 1432            |
| relations of  | 3961            | publication of service, proved by                         | 4903,5304, 5425 |
| may authorize agent to do what                      | 3966            | <b>PRINTING</b> -is included in writing                   | 6971            |
| agent cannot have authority to defraud              | 3968            | obscene pictures and literature                           | 6567            |
| consideration not necessary to bind .               | 3970            | <b>PRISON</b> -defined                                    | 6346            |
| must have power to do act ratified....              | 3972            | grand jury-may inquire into management                    | 7220            |
| authority conferred by'                             | 3981            | has access to   | 7221            |
| may be disobeyed, when                              | 3982            | sale of liquor in, punished                               | 6409            |
| represented by agent, for what purposes             | 3989            | escapes from  | 6337-6344       |
| bound by incomplete execution of authority, when    | 3990            | release of debtor from                                    | 5543-5555       |
| deemed to have notice of what                       | 3991            | one to be established and kept in each county             | 7829            |
| bound by act in excess of authority, how far        | 3992            | (See Jails-Penitentiary-Prisons and Im                    |                 |
| under ostensible authority, when.                   | 3993            | prisonment.)  |                 |
| exonerated by payment to agent, when                | 3994            | <b>PRISONERS</b> -defined                                 | 6347            |
| claim against agent may be set off, against, when   | 3995            | entitled to habeas corpus, when (SeeHabeas Corpus.)       | 7839, 7840      |
| responsible for wrongs of agent,when                | 3998            | rearrest of escaped, after expiration of sentence ...     | 6337            |
| agent when responsible as                           | 4000            | reconfining for same cause after discharge                | 6629            |
| must not deliver to, when                           | 4001            | rescue of, how punished .....                             | 6335            |
| has no connection with sub-agent, when              | 4004            | deposition of, taken when and how                         | 7550            |
| represented by sub-agent, when                      | 4005            | (See Jails-Penitentiaries-Prisons and Imprisonment.)      |                 |
| agency may be revoked by, when....                  | 4007            | <b>PRISONS AND IMPRISONMENT..</b>                         | 7802-7838       |
| <b>zN GUARANTY</b> -Consentof, not necessary        |                 | jails-shall be used as prisons                            | 7802            |
| to guaranty   | 4274            | shall be established in every county.                     | 7829            |
| removal of, when equivalent to insolvency           | 4282            | when none in county prisoners sent to adjoining county    | 7803            |
| liability of guarantor on default of.               | 4283-4287       | fugitives kept in   | 7837            |
| notice to guarantor of default of, when necessary   | 4285            | shall be kept clean                                       | 7808            |
| obligation of guarantor cannot exceed that of       | 4286            | county commissioners to inspect                           | 7796,7804       |
| guarantor liable notwithstanding disability of      | 4287            | how constructed   | 7812            |
|   |                 | sexes to be kept separate in.                             | 7805, 7806,7831 |
|   |                 | grand jury shall examine                                  | 7830            |
|   |                 | sheriff and deputies shall keep                           | 7831            |

# INDEX.

|   | Section.        |   | Section.        |
|---|-----------------|---|-----------------|
| <b>PRISONS AND IMPRISONMENT</b> -jails-sheriff-Continued.     |                 | <b>PROBATE COURT</b> -Continued.                          |                 |
| shall keep calendar of prisoners....                          | 7810            | assignment of homestead                                   | 5778-5786       |
| calendar shall contain  | 7810            | proof of claims   | 5787-5811       |
| to furnish court with copy of                                 | 7811            | sale of property of decedents                             | 5812-5859       |
| to keep copy of process with return                           | 7833            | management of estates                                     | 5860-5870       |
| to file commitments   | 7834            | conveyance of real estate by executors and administrators | 5871-5881       |
| delivers commitments to successor                             | 7835            | accounts and payment of debts...                          | 5882-5918       |
| to receive United States prisoners.                           | 7826            | distribution and partition ..                             | 5919-5948       |
| prisoners-furnished with bible                                | 7809            | orders, decrees, process, minutes, records, trials, etc   | 5949-5961       |
| not allowed liquor  | 7805, 7806      | appeals   | 5962-5982       |
| employment of-hard labor                                      | 7813            | guardians-of minors                                       | 5983-5995       |
| labor-courts may sentence to hard.                            | 7814            | of insane or incompetent persons                          | 5996-5999       |
| when city or town prisoner, marshal to superintend            | 7815            | powers and duties   | 6000-6041       |
| shall receive credit for                                      | 7817            | (See Executors and Administrators-Guardians.)             |                 |
| may be punished for cause                                     | 7816            | wills-probate of  | 5659-5693       |
| punishment of for disorderly conduct                          | 7820            | will to be delivered to court                             | 5659            |
| cruelty to-penalty  | 7818            | who may petition for                                      | 5660            |
| annoying-penalty  | 7819            | petition must contain, what                               | 5661            |
| treatment of juvenile   | 7838            | presumed renunciation of executorship                     | 5662            |
| escape of, how punished                                       | 7821            | compulsory production of will                             | 5663            |
| when not under conviction                                     | 7822            | hearing on petition                                       | 5664            |
| when committed for a capital offense                          | 7823            | notice of   | 5664            |
| removal of in case of fire                                    | 7824            | heirs notified by mail                                    | 5665            |
| sent to jail of adjoining county, when                        | 7803, 7836      | powers of jude at chambers                                | 5666            |
| poor, held for fine and costs, discharged how                 | 7825            | proof of notice to parties                                | 5667            |
| United States-pay for keeping                                 | 7827            | who may contest   | 5668            |
| calendar of   | 7828            | proceedings when no contest                               | 5669            |
| count to pay for keeping                                      | 7832            | olographic will   | 5670            |
| <b>PRIVILEGED COMMUNICATION</b> definition of                 | 2530            | nuncupative will  | 5691-5693       |
| what are  | 5313,5314       | how and when  | 5691            |
| in libel  | 6517-6519       | limitation as to time and facts alleged                   | 5692            |
| <b>PRIVILEGED PUBLICATION</b> -definition of                  | 2530            | double time for petition for revocation                   | 5693            |
| report of official proceedings is                             | 2530            | lost or destroyed wills                                   | 5687-5690       |
| <b>PRIZE FIGHT</b> -person engaging in, guilty of misdemeanor | 6686            | proceedings   | 5687            |
| sending challenge..   | 6687            | special requisites  | 5688            |
| what amounts to a challenge                                   | 6688            | statement when established                                | 5689            |
| leaving territory to engage in                                | 6689            | restraint of former executor or administrator             | 5690            |
| place of trial..  | 6690            | foreign wills   | 5677-5679       |
| duty of peace officers  | 6691            | where estate is found                                     | 5677            |
| penalty for neglect   | 6692            | petition and hearing                                      | 5678            |
| <b>PROBATE COURT</b> -jurisdiction                            | 4829, 5650-5658 | proof necessary   | 5679            |
| is territorial  | 5651            | contest of  | 5671-5676       |
| service of process  | 5652            | who may   | 5668            |
| disqualification of judge                                     | 5653            | proceedings   | 5671            |
| powers of district court                                      | 5653            | findings and conclusions of court...                      | 5672            |
| jurisdiction resumed after                                    | 5654            | witnesses   | 5673            |
| powers of judge   | 5655            | testimony must be preserved                               | 5674            |
| venue of probate acts   | 5656            | will and certificate must be recorded                     | 5676            |
| when in more than one county                                  | 5657            | after probate   | 5680-5686       |
| Is a court of record-seal                                     | 685             | causes  | 5680            |
| shall always be open  | 686             | citation to   | 5681            |
| terms of  | 686             | another will offered                                      | 5682            |
| held at county seat   | 687             | hearing in contest  | 5683            |
| takes judicial notice of existence of cities                  | 847             | revocation  | 5684            |
| estates of deceased persons in-jurisdiction..                 | 5650-5658       | costs   | 5685            |
| probate of wills  | 5659-5693       | proceedings conclusive, when....                          | 5686            |
| executors and administrators                                  | 5694-5761       | provisions of will must be followed in payment of debts   | 5843            |
| inventory of effects  | 5763-5773       | sales under may be made without order                     | 5844            |
| embezzlement by executors and administrators                  | 5774-5777       | preferences by  | 5845            |
|   |                 | found after letters of administration granted,            |                 |
|   |                 | proceedings under ....                                    | 5751, 5751,5752 |
|   |                 | (See Wills.)  |                 |
|   |                 | orders, decrees, process, records, trials,etc             | 5949-5961       |
|   |                 | requisites  | 5949            |

# INDEX.

|  | Section.   |  | Section.   |
|--|------------|--|------------|
| <b>PROBATE COURT</b> -orders, etc.,-Continued.             |            | <b>PROBATE JUDGE</b> -duty of-Continued.                               |            |
| minutes to be signed at close of each term                 | 5949       | pertaining to burial of soldiers and sailors                           | 2471, 2472 |
| publications, how made                                     | 5950       | to assist county clerk in canvassing vote, when                        | 1471       |
| recorded decree is notice to all persons                   | 5951       | ex-officio artesian well commissioner (See Artesian Wells.)            | 2092       |
| citations must show what                                   | 5952       | one of the commissioners of insanity..                                 | 2179       |
| service of   | 5953       | may inquire into alleged sanity of patient in insane hospital          | 2193       |
| personal notice given how                                  | 5954       | may solemnize marriage   | 2544       |
| time of  | 5955       | duties of, upon adoption of child..                                    | 2627, 2628 |
| descriptions of real property                              | 5956       | may appoint guardian   | 2639       |
| trials in  | 5957       | may grant order for confinement of lunatic                             | 2655       |
| judgments and executions                                   | 5957       | may apprentice child, when   | 2666, 2674 |
| attorneys appointed by the court....                       | 5958       | will-must deposit and give receipt....                                 | 3320       |
| decrees recorded by register of deeds                      | 5959       | must deliver to whom   | 3331       |
| revocation of letters for contumacy                        | 5960       | must open and examine, when  | 3322       |
| service upon a guardian                                    | 5961       | holding claims against an estate, proceedings                          | 5793       |
| appeals  | 5962-5982  | may compel attendance on examinations as to sales of real estate       | 5826       |
| decisions from which taken                                 | 5962       | certifies transcript on appeal to district court                       | 5974       |
| who may  | 5963       | must record letters and bonds of guardians                             | 5992       |
| when not a party, but interested...                        | 5964       | (See Probate Court-Executors and Administrators-Guardians - Officers.) |            |
| when must be taken   | 5965       | <b>PROBATE OF WILL</b> (See Probate Court.)                            |            |
| how taken  | 5966       | <b>PROCESS</b> -defined  | 4807       |
| notice   | 5966       | runs in name of territory  | 4815       |
| bond.. .. .  | 5967       | may be amended by court  | 4938       |
| stay of execution granted when                             | 5968       | lost, copy substituted .....   | 5339       |
| of commitment  | 5969       | service of-prohibited on Sabbath, except                               | 6247       |
| justification of sureties                                  | 5970       | malicious, on Saturday   | 6250       |
| form of bond   | 5971       | resisting (See Riot.)  | 7068-7079  |
| actions upon bond  | 5971       | false, of court, making, is forgery                                    | 6765       |
| does not stay issue of letters                             | 5973       | resisting execution of   | 6380       |
| nor proceedings, when                                      | 5973       | combinations to resist   | 6685       |
| transcript to district court                               | 5974       | issued by justices of peace (See Justice's Court.)                     |            |
| dismissal for non-appearance                               | 5975       | service of in probate court (See Probate Court.)                       | 5268       |
| questions of fact tried de novo                            | 5976       | powers (See Service-Summons.)  |            |
| neglect to transmit record                                 | 5977       | <b>PRODUCT</b> -of thing belongs to owner of thing                     | 2725       |
| dismissal affirms probate court                            | 5978       | <b>PRODUT OF THE MIND</b> -how far subject of ownership                | 3193       |
| costs  | 5979       | shares of joint owners of  | 3194       |
| enforcement of decree                                      | 5980       | may be transferred   | 3195       |
| official bonds good on                                     | 5981       | exclusive right to, lost by publication..                              | 3196       |
| reversal does not affect lawful acts...                    | 5982       | rights of second author of   | 3197       |
| sales of unclaimed personal property,                      |            | <b>PROFANE SWEARING</b> -defined                                       | 6233       |
| proceeds paid into territorial treasury, when              | 5943       | how punished ...   | 6234       |
| account of agents of non-resident heirs                    | 5944       | summary conviction for   | 6235       |
| when court may order sale of personal                      |            | penalty collected how  | 6236       |
| instead of real property belonging to decedent             | 5906       | <b>PROFIT</b> -and loss, shares of partners in                         | 4032       |
| may order investment of funds pending settlement of estate | 5907       | made by partner belongs to firm, when.                                 | 4047       |
| (See Probate Judge.)                                       |            | special partner may draw his share of..                                | 4087       |
| <b>PROBATE JUDGE</b> -jurisdiction of                      | 5650, 5655 | who has insurable interest in  | 4193       |
| bond of  | 1373       | measure of indemnity for loss of                                       | 4245       |
| fees and salary...   | 1416       | loss of, when presumed   | 4247       |
| exempt from jury duty                                      | 443        | (See Insurance.)   |            |
| when disqualified, calls county clerk to act ...           | 5653       | <b>PROHIBITED ACT</b> -performance of is a misdemeanor                 | 6417       |
| powers of district court                                   | 5653       | <b>PROHIBITION</b> -writ of-general provisions                         | 5530-5536  |
| powers of, at chambers                                     | 5666-6040  | suspends limitations   | 4864       |
| inquires into insufficiency of bond                        | 5739       | <b>PROMISE</b> -false, when fraudulent..                               | 3507, 3599 |
| neglect to certify transcript on appeal.                   | 5977       | of marriage  | 2543       |
| shall keep office at county seat                           | 687        | damages for breach of  | 4599       |
| records of probate court                                   | 687        | to answer for third person   | 4273       |
| is clerk of probate court                                  | 685        |  |            |
| shall not be counsel, when                                 | 688        |  |            |
| to canvass votes on organization of new counties           | 527        |  |            |
| duty of-in filling vacancy on county board ...             | 1393       |  |            |
| pertaining to town sites located on public lands           | 1168-1188  |  |            |



# INDEX.

|  | Section.         |  | Section.                         |
|--|------------------|--|----------------------------------|
| <b>PROMISE- Continued.</b>                                       |                  | <b>PROPERTY-Continued.</b>   |                                  |
| to accept bill, when equivalent to acceptance                    | 4534             | personal or movable (See PersonalProperty-Thing in Action-Ship     |                                  |
| when presumed joint and several..                                | 3574, 3575       | ping- Corporations-Stock-Products of the Mind - Trade Marks - Good |                                  |
| to revive barred claim   | 4869             | Will-Letters.)   | 2875-3202                        |
| by administrator to pay debt of intestate .                      | .5882            | acquisition of   | 3203-3420                        |
| <b>PROMISSORY NOTE</b> -defined                                  | 4562             | by occupancy   | 3204                             |
| instrument in form of bill of exchange, when deemed              | 4563             | amounting to preseVption   | 3205                             |
| certain provisions applicable to                                 | 4565             | by accession (See Accession.)                                      | 3206-3221                        |
| effect of delay in presentment of                                | 4566             | by transfer (See Transfer-Grant.)                                  | 3222-3304                        |
| (See Negotiable Instrument-Days of Grace.)                       |                  | by will (See Will.)  | 3305-3398                        |
| <b>PROOF</b> -of instruments for record..                        | 3277-3292        | by succession (See SuCcession.) .                                  | 3399-3420                        |
| by whom taken  | 3277-3280        | sale of (See Sale.)  | 3605-3652                        |
| by whom made   | 3283             | exchange of (See Exchange.)  |                                  |
| officer must know person making....                              | 3281             | deposit of (See Deposit.)  | 3657-3697                        |
| where witnesses are dead, how made                               | 3285, 3286       | loan of (See Loan.)  | 3698-3725                        |
| certificate of   | 3287             | hiring of (See Hiring.)  | 3736-3750                        |
| certificate to accompany   | 3288             | carriage of (See Carriage.)  | 3831-3910                        |
| of loss under insurance, how to be given                         | 4177             | insurance of (See Insurance.)                                      | 4097-4257                        |
| objections to, how waived  | 4178             | lien upon (See Lien.)  | 4321-4454                        |
| of loss of negotiable instrument must be given, when             | 4497             | mortgage of (See Mortgage.)  | 4346-4391                        |
| of marriage, how made  | 2534, 2551, 2552 | contract obtained by detention of, or                              |                                  |
| (See Acknowledgments-Evidence.)                                  |                  | menace of injury to, when voidable                                 | 3502-3505                        |
| <b>PROPERTY</b> -defined   | 6974             | fraudulent removal of  | 6838                             |
| in general   | 2675-2732        | retaking from officer  | 6336                             |
| nature of  | 2675             | found on dead body, how disposed of.                               | 679-682                          |
| ownership in   | 2676             | of estate, all to be inventoried                                   | 5763,5766-5768, 5771, 5775, 5777 |
| in what may exist  | 2676, 2676,2677  | discovered after close of administration                           | 5948                             |
| modifications of   | 2687-2711        | all, liable for payment of debts, except                           | 5812                             |
| conditions of  |                  | (See Ownership.)   |                                  |
| termination of   | 2727-2730        | <b>PROSECUTION</b> -compounding                                    | 6385                             |
| real, what   | 2679             | can be only by indictment except..                                 | 7031, 7188                       |
| personal, what   | 2683             | to be in the name of the territory                                 | 7033                             |
| always has an owner  | 2684             | <b>PROTEST</b> -notice of dishonor of foreign                      |                                  |
| what owned by the territory                                      | 2685             | bill can be given only by notice of....                            | 4550                             |
| who may hold   | 2686             | by whom made   | 4551                             |
| .interests in  | 2687-2711        | how made   | 4552                             |
| absolute   | 2688             | where made   | 4553                             |
| qualified  | 2689             | when made  | 4554                             |
| several  | 2690             | how excused  | 4555                             |
| joint  | 2692,            | notice of, how given   | 4556                             |
| partnership  | 2693             | effect of waiver of  | 4557                             |
| common   | 2694             | of bills, notes, etc., by notary public .                          | 498-500                          |
| present  | 2697             | making false   | 6828                             |
| future   | 2698             | <b>PROVISIONS</b> -implied warranty on sale of .                   | 3639                             |
| perpetual  | 2699             | <b>PROVISIONAL REMEDIES</b> -in civil actions, specified           | 4943                             |
| limited  | 2700             | motion to vacate or modify, has preference                         | 5324                             |
| vested   | 2702             | (See Arrest and Bail-Claim and Delivery                            |                                  |
| contingent   | 2703             | In-junction-Attachment-Receiver-Deposit.)                          |                                  |
| may be alternative   | 2704             | <b>PUBLICATION</b> -service of summons by                          | 4900                             |
| not void because improbable                                      | 2705             | affidavit-order-time of  | 4900, 5367                       |
| future rights of posthumous children in                          | 2706             | when served by, complete   | 4902                             |
| pass by transfer, etc  | 2707             | service of notice by   | 5290                             |
| may be released  | 2707             | proof of, how made   | 4903, 5304                       |
| how defeated   | 2727-2730        | <b>PUBLIC BOWS</b>   | 127-232                          |
| none except those mentioned                                      | 2711             | <b>PUBLIC BUILDINGS</b> -insurance of....                          | 404                              |
| conditional  | 2712-2716        | injury to ..   | 6714                             |
| husband and wife may convey separately                           | 2593             | <b>PUBLIC EXAMINERS</b> – appointment and bond                     | 117                              |
| restraints upon alienation of                                    | 2717, 2719       | governor may remove  | 117                              |
| accumulations of income of (See Accumulation.)                   | 2720, 2724       | territory divided into two districts                               | 118                              |
| rights of owners of  | 2725, 2726       | may appoint deputy   | 119                              |
| who entitled to income of, in certain cases                      | 2726             | general duties   | 119-121                          |
| ownership of, how terminated                                     | 2727-2730        | require uniform system of book keeping                             | 120                              |
| real or immovable (See Real Property-Estate,-Servitudes-Uses and |                  | ascertain character and financial                                  |                                  |
| Trusts-Powers.)  | 2733-2874        | standing of bondsmen   | 120                              |
|  |                  | investigate banking and insurance                                  |                                  |
|  |                  | corporations, etc  | 121                              |

# INDEX.

|   | Section.  |   | Section.        |
|---|-----------|---|-----------------|
| <b>PUBLIC EXAMINERS-Continued.</b>                              |           | <b>QUARANTINE</b> - communication with                            |                 |
| may employ stenographers and clerks.                            | 123       | vessel in   | 6640            |
| make annual report  | 124       | violation of regulations  | 6641            |
| salary of   | 125       | violation of laws, how punished                                   | 6637            |
| (See Officers.)   |           | violations by ship master   | 6638            |
| <b>PUBLIC LANDS</b> -location of county                         |           | township may establish, how                                       | 762             |
| seat on-proceedings   | 566-570   | against contagious diseases of animals                            |                 |
| townsites located on (See Townsites.)                           | 1168-1188 | (See Domestic Animals.)   |                 |
| <b>PUBLIC MEETINGS</b> - disturbing or preventing               | 6274-6276 | <b>QUIET ENJOYMENT</b> -covenant of, runs with land               | 3446            |
| <b>PUBLIC SCHOOLS</b> (See Education.)                          |           | form of   | 3614            |
| <b>PUBLIC SECURITIES</b> -forgery of... .                       | 6750      | implied in co   |                 |
| <b>PUNISHMENT</b> - determined by the court                     | 6210      | <b>QUO WARRANTO</b> -action substituted for                       | 5345-5361       |
| when left undetermined in the code....                          | 6211      | <b>RACING</b> -ntract of hiring                                   | 3728, 3746      |
| of felonies   | 6212      | animals for wager   | 6602            |
| of misdemeanors   | 6213      | on highways..   | 6675            |
| who liable to   | 6214      | near court prohibited   | 6408            |
| of accessories  | 6229      | steamboats  | 6457            |
| classified  | 7026      | on the Sabbath  | 6244            |
| imposed only on conviction                                      | 7036      | near religious meeting  | 6254:           |
| when more than one way provided... .                            | 6935      | <b>RAFFLE</b> (See Lottery.)                                      |                 |
| when also provided by a foreign law...                          | 6936      | <b>RAILROAD COMMISSIONERS</b> - appointment of and                |                 |
| on conviction for two or more crimes..                          | 6950      | qualifications  | 137             |
| mitigation of (See Mitigation.)                                 |           | powers of   | 138             |
| <b>PURCHASE MONEY</b> -priority of mortgage for                 | 4336      | duties of   | 139             |
| lien for  | 4440      | report to governor annually                                       | 140             |
| homestead liable for  | 2453      | what to contain   | 140             |
| <b>PURCHASER</b> -record of conveyance notice to subsequent     | 3296      | officers of railroad shall report to                              | 141             |
| exceptions of, under lien of power...                           | 2828      | salary of   | 142             |
| for value, claiming under defective exe                         |           |   | 142             |
| cution of power, entitled to relief..                           | 2849      | may appoint secretoroth and bond of..                             | 143             |
| instrument affecting real property in                           |           | power to examine books of railroad...                             | 144             |
| tended to defraud, void against..                               | 3298      | refusal to give information to                                    | 144             |
| exception in case of notice to                                  | 3299      | may direct siding or switch to be put in                          | 146             |
| grant by person having power of re                              |           | may require company to modify charges                             | 149             |
| vocation operates as revocation in favor of, when               | 3300      | duty of on complaint against company.                             | 150             |
| in good faith, conveyance of real pro perty void against unless |           | have supervision over sleeping car, ex                            |                 |
| recorded  | 3293      | press, and telegraph companies                                    | 150             |
| title of, not impaired by certain provisions                    | 3302      | power in regard to transportation of fuel                         | 155             |
| by trust  | 3933      | (See Grain Warehouses--Officers.)                                 |                 |
| mortgage of personal property void against, unless filed        | 4379      | <b>RAILWAY COMPANIES</b> -may be form ed (gee Corporations.) 2900 |                 |
| obligation in respect to real property not enforced against     | 4636      | taxation of   | 1571-1576       |
| certain transfers void against                                  | 4657      | may appoint police  | 3024            |
| without notice, not prejudiced by resulting trust               | 2797      | negligence of employe of  | 6666            |
| transfer subject to defeasance absolute in favor of, when       | 4350      | inuring or obstructing track of                                   | 6873            |
| in good faith, lien void against, when..                        | 4345      | when death ensues   | 6874            |
| (See Buyer-Sale.)   |           | liable for bringing Texas cattle into the territory               | 2311, 2311,2312 |
| right of action for damages, when                               | 5461      | for damages from loss of life                                     | 5498, 5498,5499 |
| mortgagee may be  | 5419      | for injury to stock   | 5500            |
| title of not affected by reversal of judgment                   | 5165      | killing of stock by, evidence of careless ness                    | 5501            |
| referee cannot be   | 5393      | presumed to have notice of claim of sub-contractor                | 5471            |
| right of, at sheriff's sale                                     | 5148      | freight rates   | 144             |
| administrator or executor cannot be..                           | 5859      | must furnish cars on application                                  | 145             |
| lienor may be   | 5853      | must transport grain without discrimination                       | 146             |
| entitled to receive rents, when                                 | 6003      | shall not discriminate between persons                            | 147             |
| from executor or administrator required to give bond, when      | 5850      | shall make reasonable charges                                     | 148             |
| <b>QUALIFICATIONS FOR OFFICE</b> (SeeOfcers.)                   | 1370-1384 | penalty for extortionate charges                                  | 149             |
| <b>QUALITY</b> - implied warranty of (See                       |           | must transport fuel   | 153             |
| Warranty.)  | 3632-3639 | shall not discriminate  | 154             |
| <b>QUANTITY</b> - implied warranty of (SeeWarranty.)            | 3637      | power of railroad commissioners                                   | 155             |
|   |           | <b>RAM</b> -Mexican prohibited from runningat large               | 2280            |
|   |           | <b>RAPE</b> -defined  | 6521            |
|   |           | physical ability proved, when                                     | 6522            |
|   |           | what sufficient to constitute crime of..                          | 6523            |
|   |           | in first degree defined   | 6524            |

# INDEX.

|  | Section.         |   | Section.   |
|--|------------------|---|------------|
| <b>REAL PROPERTY</b> -action- <i>Continued.</i>                  |                  | <b>RAPE</b> - <i>Continued.</i>                               |            |
| limitation of  | 4834-4847        | in second degree-defined                                      | 6525       |
| for trespass on  | 4850             | punishment for rape in first degree....                       | 6526       |
| of partition   | 5362-5410        | In second degree  | 6527       |
| lis pendens in, effect of  | 4897, 5365       | <b>RAPID CREEK</b> -preservation of waters                    |            |
| to foreclose mortgage on   | 5430-5448        | of  | 2257-2260  |
| adverse possession of, what is....                               | 4842, 4843       | <b>RATE</b> -of interest                                      | 3719-3725  |
| when deemed held adversely                                       | 4841             | (See Interest.)   |            |
| right to-not affected by descent cast..                          | 4846             | <b>RATIFICATION</b> -voidable contract may                    |            |
| lien of judgment on  | 5104,5108        | be made valid by, when  | 3523       |
| execution against  | 5114, 5116, 5118 | authority conferred by  | 3972       |
| judgment for sale of, what to contain..                          | 5100             | how made  | 3972       |
| <b>REASONABLE</b> -contract to be inter                          |                  | when cannot be partial  | 3973       |
| preted so as to make it  | 3558, 3558,3570  | when void ...   | 3974       |
| interpretation to be   | 4729             | to prejudice of third persons, not allowed                    | 3975       |
| time to be allowed for performance of contract                   | 3572             | may be rescinded, when  | 3976       |
| for delivery of goods sold                                       | 3621, 3626       | (See Agency-Agent.)   |            |
| for removal of goods sold  | 3643             | <b>REAL PROPERTY</b> -defined                                 | 2679, 6972 |
| hours, offers and demand to be in                                | 3463, 3626, 4491 | interests in, how denominated                                 | 2709       |
| damages must be  | 4618             | general provisions concerning                                 | 2733       |
| contract not specifically enforced, unless                       | 4633             | estates in  | 2734-2770  |
| doubt, defendant to have benefit of..                            | 7376, 7377       | of inheritance  | 2734       |
| <b>RECEIPT</b> -party performing obligation\ entitled to written | 3472             | fee simple  | 2735       |
| in policy of insurance, effect of                                | 4153             | fee tail, abolished   | 2736       |
| party paying negotiable instrument entitled to written           | 4497             | freehold  | 2738       |
| warehouseman issuing false                                       | 6867, 6867,6863  | for years   | 2738       |
| carrier-issuing false  | 6866, 6868       | at will   | 2738       |
| issuing false duplicates   | 6869             | future  | 2740       |
| to be canceled when  | 6871, 6872       | In reversion  | 2741       |
| <b>RECEIVER</b> -appointment of,' provisional remedy             | 4943             | remainder   | 2742       |
| when may be appointed  | 5015             | termination of  | 2755-2759  |
| in proceedings supplementary to exe                              |                  | burdens or servitudes upon (See Ease                          |            |
| cution for corporation dissolved                                 | 5180.6016, 6359  | ment-Servitudes.)   | 2760-2770  |
| qualification of applicant for                                   | 6017             | rights of owners of   | 2771-2786  |
| of receiver  | 5018             | in respect to water   | 2771       |
| powers of  | 5019, 5182       | how may be used by owner for life                             | 2772       |
| to invest funds, when and how                                    | 5020             | by tenant for years or at will..                              | 2773, 2774 |
| <b>RECORD</b> -of instruments affecting real property            | 3268, 3297       | remedies of devisees, etc., for rent of..                     | 2775       |
| where made, in case of unorganized counties                      | 3273             | of lessee against assigns of lessor of..                      | 2776       |
| acknowledgment or proof necessary to                             | 3269             | rent of, how recoverable                                      | 2778, 2779 |
| affecting personal property                                      | 3271             | who may sue for injury to inheritance in                      | 2780       |
| in what office   | 3272             | boundaries of   | 2781-2786  |
| in what books ...  | 3274             | sky   | 2781       |
| duties of officers in relations to                               | 3275             | water   | 2782       |
| affecting title to ships   | 3276             | way   | 2783       |
| proof or acknowledgment before (See                              |                  | lateral support   | 2784       |
| Acknowledgment-Proof.)   | 3277-3297        | trees   | 2785       |
| effect of  | 3293-3297        | coterminous owners of, their rights....                       | 2786       |
| effect of want of  | 3297             | obligations of owners of                                      | 2787, 2788 |
| of formation of special partnership, to be made                  | 4075             | owner of life estate  | 2787       |
| of renewal of special partnership, to be made                    | 4080             | coterminous owners  | 2788       |
| of change in special partnership, to be made                     | 4095             | uses and trusts in (See Trusts in Real                        |            |
| of dissolution of special partnership, to be made                | 4096             | Property.)  | 2789-2811  |
| of mortgage of real property, how made                           | 4368             | powers in relation toy,*(See Powers)                          | 2812-2874  |
| effect of  | 4369             | belonging to Indians, not alienable                           | 2525       |
| of assignment of mortgage, how made..                            | 4860             | ownership of by religious and charitable corporations limited | 2901       |
| of discharge of mortgage, how made...                            | 4362             | by railroad corporations                                      | 2980       |
| of assignment for benefit of creditorsrequired                   | 4669             | accession to (See Accession.)                                 | 3206-3212  |
|  |                  | transfer of (See Transfer.)                                   | 3222-3254  |
|  |                  | hiring of (See Hiring.)                                       | 3737-3745  |
|  |                  | when deemed personal, after testator's death                  | 3364       |
|  |                  | seller of, must execute grant in prescribed form              | 3614       |
|  |                  | agreement for sale of, must be in writing (See Sale.)         | 3617       |
|  |                  | mortgage of (See Mortgage.)                                   | 4366-4371  |
|  |                  | remedies concerning (See DamagesSpecific Relief.)             |            |
|  |                  | action-to recover possession of...                            | 5449-5464  |
|  |                  | where to be brought   | 4888, 5430 |

# INDEX.

|   | Section.         |  | Section.               |
|---|------------------|--|------------------------|
| <b>RECORD</b> -of assignment- <i>Continued.</i>     |                  | <b>REDEMPTION</b> -of land-from judgment sale- <i>Continued.</i> |                        |
| where to be made                                    | 4669, 4670       | what estate is subject of, and what not..                        | 5148                   |
| when to be made                                     | 4671             | how made, general rules  | 5152, 5152, 5159       |
| effect of want of                                   | 4671             | notice of extension to redeem                                    | 5153, 5422             |
| of judgment   | 5102             | judgment debtor, right of, reserved                              | 5123                   |
| of assignment of, clerk's duty                      | 5106             | waste during time for, restrained ..                             | 5153                   |
| of discharge and cancellation of,                   |                  | by debtor deter_?ines effect o sale.                             | 5125                   |
| clerk's duty  | 5107             | rents accruing to whom   | 5129                   |
| by justice of the peace                             | 5108             | from mortgage sale   | 5421, 5447             |
| what transmitted in appeals from                    |                  | of treasury warrants   | 71                     |
| district court                                      | 5217             | <b>RED RIVER</b> -preservation of waters of.                     | 2255, 2226             |
| of conveyance in partition                          | 5397             | <b>RE-ENTRY</b> -right of, not transferable..                    | 3226                   |
| judicial, evidence when duly certified..            | 5303             | <b>REFEREES</b> -appointment of, in general                      | 5071-5078              |
| of justice of the peace, evidence ...               | 5305, 5305, 5306 | to find and report facts only                                    | 5077, 5183, 5442, 5457 |
| of acknowledged instrument                          | 5307, 5307, 5308 | findings of, how reported  | 5076                   |
| of mortgage sale, perpetuation of                   | 5425             | in proceedings supplementary to execution                        | 5178, 5183, 5385       |
| of order appointing receiver                        | 5180             | appointment-to assess damages..                                  | 4988, 5527             |
| of mortgage containing power of sale..              | 5412             | to examine liens and incumbrances..                              | 5371, 5372             |
| affidavits, in foreclosure by advertisement         | 5426             | to take an account   | 5025, 5071             |
| of probate court, effect accorded to                | 5651             | to make partition of real estate                                 | 5373-5376, 5442        |
| proceedings to be sent to district court, when ..   | 5653, 5654       | single, appointed by consent of parties                          | 5407                   |
| probate of will-finding and conclusions             | 5672             | to take an affidavit   | 5324                   |
| how to be made                                      | 5676             | not allowed to purchase  | 5393                   |
| foreign will..                                      | 5677, 5677, 5679 | have power-to subpoena witnesses.                                | 5178, 5261             |
| of testimony in lost will                           | 5687             | to administer oaths to witnesses                                 | 5078                   |
| of oath and bond of executors and administrators    | 5724, 5731       | to punish witnesses for contempt....                             | 5267                   |
| of deed of conveyance and order                     | 5875             | fees of .. ....  | 5198, 5378             |
| of report of commissioners and decree               | 5738             | to settle disputed claim against estates of decedents            | 5805, 5806             |
| of all orders and decrees of court and judge        | 5949             | appointment of by probate court to ex                            |                        |
| of letters of guardianship, bond and affidavit..    | 5992             | amine accounts of executors and administrators                   | 5903                   |
| of inventory of estate of minor                     | 6005             | fees of to be paid out of estate                                 | 5903                   |
| of decree defining homestead                        | 5959             | offering or giving bribes to                                     | 6326                   |
| of every decree affecting title of real estate      | 5959             | receiving bribes   | 6328                   |
| of claims allowed for payment                       | 5795             | misconduct of  | 6329                   |
| of justice deceased, deposited with other justice   | 6126             | accepting gifts from parties                                     | 6330                   |
| of official acts of justice, how kept               | 6133             | attempt to influence, unlawfully                                 | 6332                   |
| injuring, destroying or stealing                    | 6348, 6349, 6372 | <b>REFORM SCHOOL</b> -location of                                | 7768                   |
| of sale of poisons                                  | 230, 6648        | youths, district court may send to                               | 7777                   |
| of notaries- to be deposited when....               | 497              | convicted of crime before justice of the peace                   | 7778                   |
| penalty for failure to deposit                      | 497              | sent to reform school by judge                                   | 7780                   |
| defacement or destruction of                        | 497              | returned to magistrate to be dealt                               |                        |
| of mining claim, what to show                       | 1999             | with according to law, when                                      | 7782                   |
| in criminal actions-what papers included in         | 7473             | order-issued by judge of court of record                         | 7778                   |
| to be transmitted when actin removed                | 7313, 7317, 7392 | served how   | 7779                   |
| diminution of, certiorari, how awarded .            | 7513             | proceedings before the judge                                     | 7780                   |
| clerk to transmit to supreme court in writ of error | 7509             | complaint by parent or guardian                                  | 7783                   |
| what constitutes                                    | 7473             | term of commitment   | 7784, 7784, 7785       |
| <b>RECRIMINATION</b> -defined                       | 2572             | trustees, appointment of   | 7769                   |
| cause for divorce                                   | 2566             | compensation   | 7770                   |
| <b>REDEMPTION</b> -from lien                        | 4338-4340        | officers   | 7771                   |
| person having interest in property                  |                  | may apprentice inmate  | 7773                   |
| subject to lien, has right of                       | 4338             | shall examine the affairs of the school...                       | 7774                   |
| inferior lienor has right of                        | 4339             | superintendent has charge of inmates.                            | 7775                   |
| how made ...  | 4340             | duties of  | 7775, 7776             |
| contract in restraint of, void                      | 4331             | shall give bond.   | 7776                   |
| right of, may be foreclosed                         | 4359, 4373       | inmates shall be instructed                                      | 7772                   |
| (See Lien-Mortgage.)                                |                  | may be apprenticed   | 7773                   |
| of land-sold for taxes (See Assessment              |                  | term of commitment.... ..  | 7784, 7785             |
| and Taxation.)                                      | 1635-1637        | incurrigible, disposition of                                     | 7786                   |
| who may redeem from judgment sale                   | 5150             | escape of, penalty for aiding                                    | 7787                   |
| time for and conditions of                          | 5151             |  |                        |

# INDEX.

|   | Section.      |   | Section,        |
|---|---------------|---|-----------------|
| <b>REGISTER OF DEEDS</b> -bond of                         | 1374          |   |                 |
| fees of   | 1407          |   |                 |
| table o, to be kept posted                                | 1437          |   |                 |
| may claim in advance                                      | 595, 595,624  |   |                 |
| for recording-official bonds                              | 1378          |   |                 |
| location certificate                                      | 2012          |   |                 |
| plat of town or city                                      | 1102          |   |                 |
| trade marks   | 2444          |   |                 |
| for making indexes  | 628           |   |                 |
| salary of   | 632-636       |   |                 |
| is ex-officio county clerk (See County Clerk.)            | 642           |   |                 |
| vacancy in office, how filled                             | 579           |   |                 |
| may administer oaths                                      | 487           |   |                 |
| may appoint a deputy                                      | 1397          |   |                 |
| is responsible for acts of                                | 642           |   |                 |
| may exact bond from                                       | 1397          |   |                 |
| keeps "homestead book"                                    | 2459          |   |                 |
| estrays register ..                                       | 2298          |   |                 |
| duties pertaining to vacation of town or city plats ...   | 1112          |   |                 |
| exempt from jury duty                                     | 443           |   |                 |
| instruments-shall record certain ...                      | 624, 624,3272 |   |                 |
| what, may record  | 3268-3271     |   |                 |
| shall indorse, with date and hour of filing               | 624           |   |                 |
| enter on record   | 624           |   |                 |
| has a seal, when ...                                      | 625           |   |                 |
| indexes-numerical, shall keep                             | 626           |   |                 |
| separate, of deeds and liens                              | 627           |   |                 |
| grantor and grantee                                       | 629           |   |                 |
| records affidavit of seller of mortgaged realty ...       | 5426          |   |                 |
| marriage certificate to be filed with.                    | 2550, 2551    |   |                 |
| mortgage of personal property to be fil                   | 4673          |   |                 |
| duties pertaining to marks and brands                     | 2261,2270     |   |                 |
| to record trade marks                                     | 2443          |   |                 |
| to make record of appraisalment of estrays                | 2298          |   |                 |
| duties of-in organization of new counties (See Counties.) |               |   |                 |
| in regard to distribution of supremecourt report          | 414           |   |                 |
| (See Officers.)   |               |   |                 |
| <b>REGISTRATION OF VOTERS</b> -offenses against           | 6270-6273     |   |                 |
| (See Elections.)  |               |   |                 |
| <b>REGISTRATION OF WARRANTS..</b>                         | 1671-1680     |   |                 |
| <b>RE-INSURANCE</b> -defined                              | 4183          |   |                 |
| what must be communicated on                              | 4184          |   |                 |
| presumed to be against liability                          | 4185          |   |                 |
| original insured has no interest in                       | 4186          |   |                 |
| (See Insurance.)  |               |   |                 |
| <b>RELATIONSHIP</b> - of the half blood                   |               |   |                 |
| gives right to succeed                                    | 3410          |   |                 |
| computation of degrees of                                 | 3405-3409     |   |                 |
| illegitimate, when succession allowed through             | 3403          |   |                 |
| <b>RELATIVES</b> -mutual right of defense of              | 2532          |   |                 |
| of half blood, take by succession, when                   | 3410          |   |                 |
| born after death of intestate, take by succession, when   | 3416          |   |                 |
| <b>RELEASE</b> -obligation extinguished by..              | 3491          |   |                 |
| general, what not affected by                             | 3492          |   |                 |
| of joint debtor does not extinguishobligation of others   | 3493          |   |                 |
|   |               | <b>RELEASE-Continued.</b>                         |                 |
|   |               | of guardian by ward                               | 2653            |
|   |               | of future interest in ProPerty                    | 2707            |
|   |               | of power to make leases                           | 2860            |
|   |               | <b>RELIEF</b> -in general,                        | 4572, 4573      |
|   |               | compensatory, the usual form of                   | 4572            |
|   |               | specific and preventive, limited to special cases | 4572            |
|   |               | from forfeiture                                   | 4573            |
|   |               | compensatory, defined (See Damages.)              | 4574            |
|   |               | specific (See Possession-Specific Per             |                 |
|   |               | formance - Revision - Rescission                  |                 |
|   |               | Cancellation.)                                    | 4620-4650       |
|   |               | preventive (See Injunction.)                      | 4647-4650       |
|   |               | sought, must be demanded in complaint             | 4907            |
|   |               | how limited by complaint..                        | 5097            |
|   |               | affirmative-to defendant, when                    | 5096            |
|   |               | in default of reply to counter claim..            | 4919            |
|   |               | against variance between allegationsand proof ... | 4934, 4934,4935 |
|   |               | against mistakes, etc., in perfecting appeal      | 5235            |
|   |               | against judgment by default through               |                 |
|   |               | mistake in justice s court                        | 6065            |
|   |               | <b>RELIGIOUS CORPORATIONS</b> -may be formed'(See |                 |
|   |               | Corporations.)                                    | 3136            |
|   |               | <b>RELIGIOUS MEETING</b> -disturbance of          | 6251-6254       |
|   |               | <b>REMAINDER</b> -defined                         | 2742            |
|   |               | contingent, upon prior remainder in fee           | 2745            |
|   |               | upon term of years                                | 2749            |
|   |               | when may be created                               | 2746            |
|   |               | when must be for residue of term                  | 2748            |
|   |               | when must take effect                             | 2747            |
|   |               | for life upon term of years                       | 2750            |
|   |               | upon a contingency                                | 2751            |
|   |               | to heirs, what title vests under                  | 2752            |
|   |               | on death of first taker                           | 2753            |
|   |               | unexecuted power in relation to                   | 2754            |
|   |               | <b>REMEDIES</b> -classified                       | 4810            |
|   |               | criminal  | 4814            |
|   |               | civil, not merged in criminal                     | 4816            |
|   |               | action for damages, preserved                     | 6981            |
|   |               | for every wrong                                   | 4710            |
|   |               | against public nuisance                           | 4687-4692       |
|   |               | bEprivate nuisance                                | 4693-4695       |
|   |               | ridge corporation, for failure to repair          | 3131            |
|   |               | (See Actions-Relief.)                             |                 |
|   |               | <b>REMOVAL</b> -from territory equivalent to      |                 |
|   |               | insolvency, when                                  | 4282            |
|   |               | of trustee, when and how made                     | 3956            |
|   |               | from office (See Officers.)                       | 1387-1391       |
|   |               | right of, not affected by penal code..            | 6982            |
|   |               | proceedings, commenced how                        | 7189            |
|   |               | accusation-presented how                          | 7081            |
|   |               | must state what                                   | 7082            |
|   |               | objection to legal sufficiency of...              | 7086            |
|   |               | if not sustained must answer                      | 7088            |
|   |               | duty of judge and attorney                        | 7083            |
|   |               | five days' notice given to defendant..            | 7083            |
|   |               | defendant-to appear                               | 7084            |
|   |               | answer of   | 7085            |
|   |               | denial made how                                   | 7087            |
|   |               | judgment-on plea of guilty                        | 7089            |
|   |               | convicted   | 7091            |
|   |               | method of trial..                                 | 7090            |
|   |               | removal of territorial officers                   | 7092            |
|   |               | where presentment is made                         | 7093            |
|   |               | removal of district attorney                      | 7094            |
|   |               | charging illegal fees and other mis               |                 |
|   |               | conduct   | 7097            |
|   |               | of property-fraudulent, is a misde                |                 |
|   |               | meanor  | 6838            |

# INDEX.

|  | Section.        |   | Section.       |
|--|-----------------|---|----------------|
| <b>RENT</b> -under lease for life, how recovered           | 2778            | <b>REPRESENTATIVES</b> -Continued. legal, may bring action for      |                |
| dependent on life, when recoverable...                     | 2779            | forcible entry and detainer   | 6075           |
| remedies for recovery of, by assignees.                    | 2776            | <b>REPRIEVES</b> (See Pardons.)                                     | 7596-7603      |
| payment of, by tenant to grantor, when sufficient          | 3253            | <b>REPUGNANT</b> -words, interpretation of                          | 3239,3347,3567 |
| term of hiring, how indicated by                           | 3740            | condition, void   | 2714, 3434     |
| acceptance of, when operates as renewal of lease           | 3741            | <b>REQUISITION</b> -delivery of criminalon                          | 7635           |
| when payable   | 3743            | (See Fugitive from Justice.)  |                |
| forfeited by letting room in parts                         | 3745            | <b>RESCISSION</b> -contract extinguished by                         | 3588           |
| (See Hiring.)  |                 | may be made, when   | 3589           |
| purchaser entitled to, when                                | 5159            | when stipulation against, does not defeat right of                  | 3590           |
| redemptioner entitled to, when                             | 5159            | how effected ...  | 3591           |
| receiver may collect, when                                 | 5019            | minor has right of  | 2515           |
| <b>REPAIR</b> -borrower must, when                         | 3703            | of novation, may be made when                                       | 3490           |
| hirer must, when   | 3730            | third person cannot enforce contract after..                        | 3499           |
| lessor of real property must, when                         | 3737            | of sale allowed to seller in case of nonpayment of price, when      | 3620           |
| lessee of real property may, at expense                    |                 | to buyer in case of seller's refusal to allow him to inspect        | 3644           |
| of lessor, when  | 3738            | for breach of warranty on agreement for sale..                      | 3645           |
| letter of personal property must, when                     | 3746            | for by-bidding at auction   | 3651           |
| hirer of personal property may, at expense of letter, when | 3748            | of ratification, when allowed                                       | 3976           |
| <b>REPEAL</b> -of repealing act, effect of                 | 4766            | of insurance allowed for concealment, when                          | 4120, 4127     |
| of statutes does not release obligations there under       | 4767            | for false representation, when                                      | 4138           |
| <b>REPLEVIN</b> (See Claim and Delivery.) proceedings      |                 | for violation of warranty, etc                                      | 4162           |
| in justices' courts (See Justices' Courts.)                |                 | of alteration of obligation does not restore liability of guarantor | 4292           |
| <b>REPLY</b> -in what cases required                       | 4918            | judgment of, in what cases granted....                              | 4641           |
| when and how made  | 4918            | for mere mistake not granted without restoration                    | 4642           |
| court may require, when                                    | 4918            | may be upon condition of compensation                               | 4643           |
| demurrer to ...  | 4920            | stoppage in transit is not  | 4454           |
| judgment for defendant, in default of..                    | 4919            | (See Revocation.)   |                |
| allegations of answer deemed controverted, without         | 4933, 5523      | <b>RESCUE</b> -of prisoners, how punished..                         | 6335           |
| frivolous, judgment on                                     | 5026            | retaking goods from custody   | 6336           |
| in proceedings against joint debtors, heirs, etc           | 5244            | <b>RESIGNATIONS</b> -of officers in general,                        |                |
| maybe stricken out on plaintiff's refusal to testify       | 5257            | to whom made  | 1386           |
| in justice's court   | 6064            | officers elect may resign before qualifying..                       | 1476           |
| <b>REPORTER OF SUPREME COURT</b>                           |                 | of township officers  | 751            |
| appointment, bond, and oath                                | 409,410         | (See Officers.)   |                |
| to receive records of causes                               | 411             | <b>RESISTANCE</b> -to the commission of                             |                |
| to publish reports   | 412             | public offense, when lawful by person to be injured                 | 7045           |
| <b>REPORTS OF SUPREME COURT</b>                            |                 | by other person   | 7046           |
| first volume declared authentic                            | 408             | how public officers may interfere ....                              | 7047           |
| who entitled to receive                                    | 413             | to execution of process   | 7068           |
| county officers, how supplied                              | 414             | to public authority, how punished ...                               | 7079           |
| secretary of territory may purchase,when                   | 415             | to arrest   | 7145           |
| <b>REPRESENTATION</b> -in insurance generally              | 4119-4140       | (See Security to keep the Peace-Riots.)                             |                |
| be oral or written   | 4129            | <b>RESORT</b> -order of, in execution, to personal property first   | 5116           |
| when may be made   | 4130            | in satisfying liens   | 4337           |
| how interpreted  | 4131            | in execution of judgment against surety                             | 4310           |
| as to future, when deemed promise..                        | 4132            | <b>RESPONDENT</b> -who is   | 5214           |
| how may affect policy                                      | 4133            | to have notice of appeal, how                                       | 5215           |
| when may be withdrawn                                      | 4134            | may except to appellant's undertaking                               | 5232           |
| to what time deemed to refer                               | 4135            | (See Appeals.)  |                |
| concerning information                                     | 4136            | <b>RESPONDENTIA</b> -defined  | 4431           |
| when deemed false  | 4137            | owner may hypothecate by, in any case                               | 4432           |
| effect of falsity in ..                                    | 4138            | master may hypothecate by, when                                     | 4433           |
| materiality of, how determined                             | 4139            | law of bottomry applicable to                                       | 4434           |
| rules concerning, govern modification of contract          | 4139            | obligation imposed upon shipowner by                                | 4435           |
| in marine insurance  | 4199, 4199,4200 | (See Bottomry-Lien.)  |                |
| effect of falsity in                                       | 4199            | <b>RESTITUTION</b> - due on reversal of judgment                    | 5765           |
| concerning expectation, effect of....                      | 4200            | plaintiff to give security for, when.                               | 4900, 5025     |
| agent's authority to make, defined                         | 3981            | in attachment   | 5008           |
| <b>REPRESENTATIVES</b> -of decedent may                    |                 | of mine seized by fraud   | 2014, 2015     |
| sue for damages for loss of life                           | 5499            |   |                |

# INDEX.

|   | Section.        |   | Section.        |
|---|-----------------|---|-----------------|
| <b>RESTORATION</b> -necessary upon rescission of contract | 3591            | <b>REVOCAION</b> -Continued.of proposal of                      |                 |
| to be made of thing wrongfully acquired                   | 3601            | contract may be made,when and how ..                            | 3621, 3522      |
| demand of, when necessary                                 | 3602            | of trust may be made, when and how...                           | 3953            |
| of propret extinguishes lien, when....                    | 4345            | of continuing guaranty may be made, when                        | 4289            |
| <b>RESTRAIN</b> -right of protection from bodily          | 2526            | (See Rescission-Probate Court.)                                 |                 |
| of alienation, conditions in                              | 2717-2719       | <b>RIGHT</b> -may be waived,ete                                 | 2507, 2507,4760 |
| of marriage, conditions in                                | 2715            | cannot be, by person of unsound mind.                           | 2521            |
| when void   | 2715, 3586      | may be joint, etc   | 3425            |
| of alienation, when void                                  | 2716            | arising out of obligation transferable..                        | 3441            |
| estates creating undue, void                              | 2718            | not to be injuriously used                                      | 4701            |
| of legal proceedings, contract in, void.                  | 3582            | <b>RIGHT OF ENTRY</b> -limitation of action for                 | 4839            |
| of trade, contract in, void except, etc..                 | 3583            | <b>RIGHT OF WAY</b> (See Pay-Corporations.)                     |                 |
| allowed on sale of good will                              | 3584            | of telegraph and telephone lines                                | 3025            |
| on dissolution of partnership                             | 3585            | to mining claims  | 2016-2028       |
| degree of in making arrest                                | 7143            | <b>RIOT</b> -defined  | 6677            |
| <b>RETURN</b> -of service, how proved                     | 4903            | punishment for  | 6678            |
| of warrant of attachment                                  | 4999 4999,5013  | person remaining after warning to disperse                      | 6682            |
| in arrest and bail-to plaintiff                           | 4949            | when unlawful purpose becomes known                             | 6683            |
| of execution-delay, and to whom                           | 5117            | refusal to arrest rioter  | 6684            |
| what to show  | 5119, 5119,5134 | suppression of  | 7068-7079       |
| by mail... .  | 5170            | officer-may command assistance to aid in                        | 7068            |
| of comission to take testimony ...                        | 5292, 5292,5320 | must report resisters   | 7069            |
| of service of subpoena on interpreter..                   | 5316            | refusal to assist is a misdemeanor                              | 7070            |
| of securities taken by referees                           | 5400            | governor-may call out additional assistance                     | 7071            |
| made by sheriff Drove itself                              | 5475            | may call on the military  | 7072            |
| of writ of certiorari may be amended                      | 5514            | unlawful assemblage to be dispersed                             | 7073            |
| makes part of judgment roll                               | 5516            | refusal to disperse   | 7074            |
| of writs returnable in vacation                           | 5534            | who deemed rioters  | 7075            |
| of premium on insurance must be made, when                | 3103, 4166      | neglect to suppress unlawful assembly, officer guilty of misde- |                 |
| need not be made, when                                    | 4168            | meanor  | 7076            |
| (See Probate Court-Justice Court.)                        |                 | officers may disperse the assembly                              | 7077            |
| <b>REVENUE</b> -hindering the collection of               | 6702            | precautions taken before endangering life                       | 7078            |
| (See Assessment and Taxation.)                            |                 | penalty for resisting officer                                   | 7079            |
| <b>REVERSAL</b> -of judgment-effect of, on limitations    | 4863            | involuntary deposit may be made in case of                      | 3659            |
| restitution on, provided for                              | 4905, 4905,5025 | <b>ROADS</b> (See Highways, Bridges andFerries.)                |                 |
| not to effect title to realty, sold, when..               | 5165            | <b>ROBBERY</b>  | 6481-6490       |
| not adjudged for trivial errors                           | 4941            | defined   | 6481            |
| <b>REVIEW</b> -on appeal-scope of, general                | 5236,5237       | force or fear employed to secure possession, how                | 6482            |
| on writ of certiorari                                     | 5513            | degree of force immaterial                                      | 6483            |
| <b>.REVISION</b> -of contract, when allowed               | 4637            | fear may be what  | 6484            |
| to be made on equitable principals                        | 4638            | value of property taken is immaterial..                         | 6485            |
| intention of parties to be fully considered in            | 4639            | taking secretly is not robbery                                  | 6486            |
| may be followed by specific enforcement                   | 4640            | classified  | 6487            |
| <b>REVOCAION</b> -of power, when allowed                  | 2877            | punishment for first degree                                     | 6488            |
| must be recorded  | 3295            | for second degree   | 6489            |
| grantor reserving power of, when deemed owner             | 2857            | by two or more persons  | 6490            |
| of gift in view of death, allowed                         | 3265            | <b>ROUT</b> -defined  | 6679            |
| of other gifts, not allowed                               | 3262            | punishmentfor   | 6681            |
| when grant by person having power of, operates as         | 3300            | <b>SABBATH</b> -defined   | 6244            |
| of conjoint will  | 3311            | public sporting, ordinary employment                            |                 |
| _of will,how made   | 3324            | and public traffic prohibited                                   | 6244-6246       |
| void if not freely made                                   | 3307            | breaking-deflned  | 6239-6247       |
| how proved  | 3325            | punishmentfor   | 6248            |
| by obliteration, when complete                            | 3326            | finer for, collected how  | 6249            |
| in duplicate.. .  | 3327            | selling liquor on, prohibited                                   | 6919, 6919,6920 |
| by subsequent will  | 3328            | <b>SAILOR</b> -may make nuncupative will, when..                | 3310            |
| does not revive prior will                                | 3334            | (See Soldiers and Sailors.)                                     |                 |
| when is   | 3335            | <b>SALARY</b> -forfeited by dismissal for cause                 | 3778            |
| revokes codicils  | 3336            | apportionment of, on employe quitting for cause                 | 8779            |

# INDEX

|  | Section.         |   | Section.        |
|--|------------------|---|-----------------|
| <b>SALARY-Continued.</b>                         |                  | <b>SALE-Continued.</b>  |                 |
| managing owner presumed not entitled to .        | 3828             | of lands and personal property for taxes (See Assessment and Taxation.)                           |                 |
| (See Earnings and Salaries.)                     |                  | of real and personal property by guardians (See Guardians.)                                       |                 |
| <b>SALE-defined</b>                              | 3605             | of real and personal property by executors and administrators (See Executors and Administrators.) |                 |
| subject of, what must be                         | 3606             | .(See Auction-Stoppage in Transit.)   |                 |
| agreement for, defined                           | 3607             | <b>SALVAGE-who entitled to</b>  | 4649            |
| to sell  | 3608             | lien for, has priority over bottomry lien ..  | 4429            |
| to buy ...                                       | 3609             | <b>SATISFACTION-what operates as</b>  | 3485, 3486      |
| to sell and buy .                                | 3610             | of part of claim admitted due   | 5023            |
| what may be subject of                           | 3611             | of judgments  | 5023-5107       |
| of real property, effect of                      | 3612             | (See Accord-Execution of Judgments.)  |                 |
| contract of, when must be in writing,            |                  | <b>SAMPLE-implied warranty on sale by.</b>  | 3630            |
| or partially performed                           | 3615             | <b>SCHOOLS (See Education.)</b>   |                 |
| of real property, form of                        | 3617, 3617,3618  | <b>SCHOOL CORPORATIONS-liability of</b>   |                 |
| rights and obligations of seller under, defined  | 3619             | in case of division of county   | 551, 552        |
| as to payment of price                           | 3620             | <b>SCHOOL DISTRICTS (See Note following Section 1845.)</b>  |                 |
| as to delivery (See Delivery.)                   | 3621-3626        | <b>SCHOOL FOR DEAF MUTES</b>  | 261-271         |
| as to warranty (See Warranty.).                  | 3627-3642        | location of   | 261.            |
| rights and obligations of buyer under            | 3643-3645        | board of trustees-compensation and  |                 |
| as to payment of price                           | 3643             | meetings of   | 262, 262,263    |
| as to inspection of goods                        | 3644             | officers of the board   | 264, 265        |
| effect of breach of warranty upon....            | 3645             | compensation and meetings of ....   | 265, 265,271    |
| by auction, defined                              | 3646             | duties of   | 266,267         |
| when complete                                    | 3647             | biennial report to governor   | 267             |
| when bid at, may be withdrawn                    | 3648             | personal liability of   | 268             |
| written conditions of, not to be modified ..     | 3649             | shall not be interested in contracts..  | 270             |
| when absolute ...                                | 3650             | not eligible to superintendency   | 271             |
| by-bidding at, a fraud                           | 3651             | appoints superintendent of buildings, etc   | 271             |
| auctioneer's memorandum of, binding              | 3652             | who may be admitted as pupils   | 269             |
| title passes by, when.....                       | 3257-3259        | compensation of resident officers   | 267             |
| buyer acquires better title than seller by, when | 3259             | <b>SCHOOL OF MINES</b>  | 387-401         |
| of thing found, for expenses, how to be made     | 3694             | establishment and object  | 387             |
| of property under lien extinguishes lien         | 4342             | board of trustees-appointment and oath of....   | 388, 389, 393   |
| power of may be given by mortgage...             | 4353             | election of officers of   | 392             |
| how to be exercised                              | 4355             | compensation and meetings of  | 400, 401        |
| under foreclosure of mortgage                    | 4373             | government, how exercised   | 390             |
| of thing pledged                                 | 4406-4417        | admission of pupils   | 391             |
| not rescinded by stoppage in transit...          | 4454             | selection of president of school and report   | 394             |
| damages for breach of contract of.               | 4586-4589        | appointment of dean, instructors and offices  | 399             |
| specific enforcement of                          | 4635             | erection of buildings   | 395             |
| sheriffs, in execution-perishable property       | 5141             | bond of treasurer   | 396             |
| real property-notice                             | 5142             | fees for assaying, etc  | 397             |
| when to take place                               | 5143             | disposition of funds  | 398             |
| manner and time of                               | 5141             | <b>SCHOOL TOWNSHIP (See Education.)</b>   |                 |
| postponement of                                  | 5145             | <b>SCIENCE - corporations for, may be</b>   |                 |
| overplus of, to defendant                        | 5146             | formed (See Corporations.)  | 2900            |
| new sale of property levied, but unsold          | 5147             | <b>SCIRE FACIAS-action substituted for</b>  | 5345            |
| purchaser's rights                               | 5148             | <b>SEAL-how affixed</b>   | 3548, 4764      |
| confirmation of sale                             | 5149             | distinctions regarding sealed instruments abolished   | 3246, 3246,3549 |
| referee's-to effect partition                    | 5385             | corporation may have  | 2919            |
| manner and terms of                              | 5386             | public and corporate, forgery of  | 6751            |
| report of  | 5394             | <b>SEAL OF THE TERRITORY-what shall constitute</b>  | 67              |
| announcements to be made                         | 5392             | <b>SEAMAN-defined</b>   | 3808            |
| cannot bid at                                    | 5393             | how engaged   | 3809,           |
| order for, how obtained                          | 5373             | when may be discharged  | 3809            |
| confirmation and order to convey....             | 5395             | not bound to sail in unseaworthy vessel   | 3810            |
| lienor or party may purchase                     | 5396             | cannot forfeit wages or lien by agreement   | 3811            |
| to foreclose mortgage under power of sale        | 5411-5429        | restrictions upon contracts with  | 3812            |
| under judgment of foreclosure                    | 5436             | wages of, when begin  | 3814            |
| of separate tracts how made                      | 5418             | depend on freightage, when  | 3813            |
| certificate of, to purchaser...                  | 5148, 5420, 5437 | when not..  | 3817            |
| of personal property on execution from           |                  | where voyage broken up  | 3816            |
| justice's court (See Justice's Court.).          | 6117             |   |                 |



# INDEX.

|  |            |  |                   |
|--|------------|--|-------------------|
| <b>SEAMEN-wages of-Continued.</b>                          |            | Corporations.)to record judgment against                     | 5360              |
| when wrongfully discharged, etc                            | 3816       | associations-building and loan, power                        |                   |
| when prevented from rendering service                      | 3819       | in granting charters to ...                                  | .3166. 3176. 3184 |
| when personal representatives entitled to                  | 3821       |  | Section.          |
| when forfeited ....  | 3822       | <b>SECRETARY OF THE TERRITORY</b>                            |                   |
| must be provided for in sickness                           | 3820       | associations-Continued.                                      |                   |
| may not ship goods on his own account                      | 3823       | banking and loan, to record certificate of                   | 3185, 3186        |
| liability of, for injuries to ship, etc                    | 3824       | to keep pardon papers as public records                      | 7603              |
| lien of  | 4445       | to file copy of rules of jails                               | 7789              |
| <b>SEARCH WARRANT</b>                                      | 7613-7633  | to communicate sheriffs' reports to legislaature             | 7794              |
| definition of  | 7613       | 4 shall keep register of cities organized                    |                   |
| grounds for issue  | 7614       | under general law  | 850               |
| must have probable cause                                   | 7615       | to grant license for ferries in unorganized counties         | 1364              |
| issued only on sworn complaint                             | 7616       | to keep record of persons liable to military duty            | 1918              |
| requisites of  | 7617       | duties pertaining to duplication of lost territorial bonds   | 1694-1687         |
| form of  | 7618       | (See Officers.)  |                   |
| served by whom   | 7619       | <b>SECURITY</b> -for alimony and maintenance                 | 2585              |
| officer may break door                                     | 7620       | when power deemed part of                                    | 2829              |
| for liberating person confined                             | 7621       | indorser having, not entitled to notice of dishonor          | 4511              |
| may be served at night, when                               | 7622       | to be given by assignee for benefit of creditors             | 4673              |
| is void after ten days                                     | 7623       | contracts of, when called bail                               | 4271              |
| property-disposed of how                                   | 7624       | held by creditor or co-surety, surety entitled to benefit of | 4309              |
| inventory of, given to magistrate ....                     | 7625       | held by surety, creditor entitled to benefit of              | 4311              |
| copy of, to person from whom property was taken            | 7626       | by way of lien (See Lien.)                                   | 4321-4345         |
| return of  | 7625       | for what lien may be   | 4329              |
| complaint controverted                                     | 7627       | by way of mortgage (See Mortgage.)                           | 4346-4391         |
| testimony taken how  | 7628       | transfer, by way of, to be deemed mortgage or pledge         | 4348              |
| property restored when                                     | 7629       | of mortgagee not to be impaired by person bound              | 4358              |
| depositions returned to district court..                   | 7630       | grant intended as, how recorded                              | 4370              |
| procuring, without cause, a misdemeanor                    | 7631       | by way of pledge (See Pledge.)                               | 4392-4417         |
| officer exceeding his authority                            | 6377, 7632 | for third person, pledge may be made as                      | 4398              |
| defendant in felony may be searched by magistrate          | 7633       | by way of bottomry (See Bottomry.)                           | 4418-4430         |
| maliciously procuring                                      | 6421       | by way of respondentia (See Respondentia.)                   | 4431-4435         |
| may be issued under complaint of illegal use of trade mark | 6621       | plaintiffs-in arrest   | 4948              |
| <b>SEAWORTHINESS- defined</b>                              | 4202       | in injunction  | 4988              |
| warranty of, when implied in insurance                     | 4203       | for restitution on reversal of judgment                      | 5025              |
| when complied with   | 4203       | y y guardian ad litem  | 4876              |
| extends to what  | 4204       | for cost by non-resident                                     | 5189-5212         |
| <b>SECOND OFFENSES-how punished..</b>                      | 6946-6949  | in action brought in name of territory..                     | 5349              |
| <b>SECRETARY OF THE TERRITORY</b> fees of                  | 1403       | <b>SECURITY TO KEEP THE PEACE</b>                            | 7049-7604         |
| shall procure printing of statutes                         | 50         | information for  | 7049              |
| shall arrange-and correct laws                             | 51         | warrant to issue   | 7050              |
| and compile laws   | 62         | proceedings when charges controverted                        | 7051              |
| shall superintend distribution                             | 52         | person discharged when                                       | 7052              |
| may sell statutes  | 59         | bond must be given   | 7053              |
| supreme court reports-distributes.                         | .413, 414  | when not   | 7054              |
| may purchase, when   | 415        | person discharged  | 7055              |
| is custodian of territorial library                        | 63         | undertaking sent to district court                           | 7056              |
| notaries public-issues commissions to                      | 495        | assault or threatening to assault in                         |                   |
| fees for, and disposition thereof....                      | 495        | presence of magistrate                                       | 7057              |
| notifies of expiration of commission.                      | 495        | person must appear at district court...                      | 7058              |
| when commission revoked                                    | 506 is     | if complainant does not appear person                        |                   |
| member-of board of capital trustees                        | 127        | discharged   | 7059              |
| of territorial board of canvassers                         | 1474       | proceedings when parties appear                              | 7060              |
| to send messenger-for election returns, when               | 1475       | when undertaking to keep the peace is broken                 | 7061              |
| compensation of  | 1475       | action-to be brought   | 7062              |
| to transmit election blanks to county clerk                | 1487       | what alleged in  | 7063              |
| to indorse on returns date of reception                    | 1488       | costs taxed how  | 7065              |
| may open documents pertaining to legislative contests      | 1522       | (See Justice's Court.)                                       |                   |
| corporations-duties in regard to (See                      |            | <b>SEDUCTION</b> -right of protection from..                 | 2531              |
|  |            | damages for  | 4006              |

# INDEX.

|   | Section.         |  | Section.                      |
|---|------------------|--|-------------------------------|
| <b>SEDUCTION-Continued.</b>                                       |                  | <b>SERVICE-of summons-Continued.</b>                             |                               |
| for purposes of prostitution                                      | 6530             | by whom to be made and time fixedfor                             | 4899,5561                     |
| under promise of marriage   | 6532             | on whom to be served   | 4898, 5366                    |
| subsequent marriage is a defense....                              | 6533             | in actions against township                                      | 807                           |
| evidence of injured person must be corroborated, when             | 7386             | on corporation in criminal action                                | 7579-7581                     |
| <b>SEED'GRAIN-lien for</b>  | 5490-5495        | when deemed personal   | 4898                          |
| how may be made   | 5490             | by publication ...   | .4900, 4902, 4903, 5367, 5574 |
| priority and preference of  | 5491             | how proved   | 4903, 4903,5304               |
| to be filed with register of deeds                                | 5492, 5493       | accepted   | 4903                          |
| foreclosure of  | 5494             | appearance and answer equivalent to                              | 4904                          |
| use of for other purposes than seeding-penalty                    | 5495             | on joint and several debtors                                     | 4901                          |
| <b>SEIZIN-limitation of actions in....</b>                        | 4837, 4838       | after judgment-affidavit must be served with                     | 5242                          |
| <b>SELECTION-power may be in trustwith right of</b>               | 2867             | on unknown owner of offending animals, how made                  | 5574                          |
| between alternatives, who has right of.                           | 3436             | in attachment injustice's court (SeeJustice's Court.)            |                               |
| notice of, must be given  | 3437             | of complaint-need not be with summons ..                         | 4895                          |
| extent of right of  | 3438             | amended must be served   | 4911                          |
| <b>SELF DEFENSE-right of</b>                                      | 2532             | when to be made  | 4858-4860                     |
| force allowable when  | 6507             | answer to, to be served in thirty days                           | 4908                          |
| by party about to be injured                                      | 7044, 7044,7045  | in arrest and bail-order and affidavit to be served on defendant | 4949                          |
| <b>SELL-when depositary may</b>                                   | 3673             | warrant of arrest executed by sheriff                            | 4950                          |
| when finder may   | 3693             | in claim and delivery-serve on defend                            |                               |
| <b>SELLER-rights and obligations of..</b>                         | 3619 -3642       | ant personally, copy of notice, affidavit and undertaking        | 4975                          |
| as depositary before delivery                                     | 3619             | in injunction-sheriff must serve on defendant                    |                               |
| in respect to resale or rescission ...                            | 3620             | copy of affidavit and order                                      | 4968                          |
| as to delivery (See De livery.)                                   | 3621-3626        | in certiorari-how made   | 5512                          |
| as to warranty (See Warranty.)...                                 | 3627-3642        | in mandamus-on whom and how made                                 | 5528                          |
| of real property must execute grant in prescribed form            | 3612             | in appeal (See Appeal.)of notice-generally                       | 5327-5338                     |
| mortgage jn favor of, has priority                                | 4336             | of property seized in execution by the sheriff                   | 5135                          |
| lien of, for price  | 4436             | on whom and how to be made                                       | 5135                          |
| how waived  | 4437             | of garnishment   | 5004                          |
| against whom valid  | 4438             | what and on whom to be served....                                | 5004                          |
| of personal property, lien of, for price.                         | 4439             | of application for pardon-on whom and how made                   | 7600                          |
| may stop it in transit, when                                      | 4451             | by publication   | 5290                          |
| damages for breach of contract by                                 | 4586-4589        | may be by sheriff in all cases....                               | 5338, 5475                    |
| demanding specific performance mustgive clear title               | 4635             | maybe made on attorney, when.                                    | 5336, 5411                    |
| (See Sale-Lien-Stoppage in Transit.)                              |                  | on officer when  | 5422                          |
| <b>SEPARATE ESTATE-of married women-subject to execution, how</b> | 5096,5114        | on clerk of district court, when                                 | 5324                          |
| may be set off how, in partition..                                | 5388-5391        | on mortgagee or his assignee, in foreclosure proceedings, when   | 5411                          |
| <b>SEPULTURE-violation of</b>                                     | 6550-6566        | of subpcena-by any person not interested                         | 5261                          |
| (See Burial.)   |                  | how made   | 5255, 5264                    |
| <b>SERVANT-abduction or enticement of, forbidden ...</b>          | 2531             | in criminal actions  | 7533, 7534                    |
| injury to, forbidden  | 2531             | of bill of exceptions in criminal actions                        | 7442                          |
| relations of master and   | 2656-2674        | of search warrant  | 7619-7622                     |
| not to be restricted as to carrying onbusiness                    | 2671             | of bench warrant   | 7231, 7272, 7462              |
| defined   | 3780             | in probate court-order for hearing in                            |                               |
| term of hiring of   | 3781, 3782       | sale of property of decedents                                    | 5821                          |
| time of, how far belongs to master                                | 3784             | of order to show cause why estate of                             |                               |
| must deliver property without demand                              | 3785             | ward should not be sold  | 6015                          |
| may be discharged, when   | 3786             | of process   | 5652                          |
| <b>SERVICE-with employment (See Em</b>                            |                  | of citation on executors and administrators                      | 5735                          |
| ployment-Employer--Servant.). ..                                  | 3751-3779        | generally  | 5953                          |
| withJut employment, rights and obligations                        |                  | time of service of   | 5955                          |
| arising out of  | 3829,3829,3830   | upon guardians is service on wards....                           | 5961                          |
| personal, for more than two years not to                          |                  | of process-on persons confined in penitentiary at Sioux Falls    | 7670                          |
| be required, except from apprentices                              | 3760             | on persons confined in penitentiary at Bismarck                  | 7728                          |
| contract for, cannot be specifically enforced                     | 4632             | in justice's court (See Justice's Court.)                        |                               |
| of process, attorney for acceptance of                            |                  | in probate court (See Probate Court.)                            |                               |
| to be appointed by foreign corporation                            | 3053, 3060, 3192 | <b>SERVITUDES-upon land, when called easements</b>               | 2760                          |
| not to be made on election day                                    | 1483             | when maybe held apart from land                                  | 2761                          |
| of summons, generally   | 5328-5338        |  |                               |

# INDEX.

|   | Section .       |  | Section.   |
|---|-----------------|--|------------|
| <b>SERVITUDES-Continued.</b>                                      |                 | <b>SHERIFF-execution-Continued.</b>                  |            |
| by whom grantable   | 2763            | cannot become purchaser at sale                      | 5144       |
| may not be held   | 2764            | may postpone sale, when                              | 5145       |
| extent of, how determined   | 2765            | disposes of overplus, how                            | 5146       |
| how apportioned   | 2766            | additional levy by, when                             | 5147       |
| how far usable by expectant owner..                               | 2767            | makes deed to purchaser on order of court            | 5149       |
| who may enforce by action   | 2768            | may retain proceeds until court examines proceedings | 5149       |
| do not disqualify owner from recovering possession                | 2769            | redemption-written notice given to sheriff           | 5153       |
| how extinguished  | 2770            | papers served on sheriff                             | 5157       |
| (See Easement.)   |                 | deed   | 5160, 5161 |
| <b>SEVERAL</b> -means two or more                                 | 4747            | when made by deputy, form of acknowledgment          | 5162       |
| obligation may be   | 3424            | may demand printer's fees in advance                 | 5164       |
| joint and (See Joint.)  |                 | may return writ by mail                              | 170        |
| <b>SHEEP</b> -bounty for protection against wolves                | 2285-2289       | cannot forward money, unless                         | 5171       |
| <b>SHEEP DISEASES</b>   | 2345-2350       | amercement of  | 5167       |
| diseased sheep-to be quarantined...                               | 2345            | measure of ..  | 5169       |
| not to be driven on highway                                       | 2346            | proceedings in another county                        | 5171       |
| owners of sheep may examine otherflocks, when                     | 2347            | surety made party to action                          | 5172       |
| penalty for spreading disease                                     | 2348, 2348,2349 | reimbursement after                                  | 5173       |
| liability for damages   | 2350            | may secure execution for                             | 5173       |
| (See Sheep Inspectors.)   |                 | expenses of debtor arrested paid in advance          | 5553       |
| <b>SHEEP INSPECTORS</b>   | 2351-2361       | claim and delivery-requisition                       | 4974       |
| appointment and term of office of                                 | 2351            | approves plaintiff's sureties                        | 4975       |
| oath and bond of ..   | 2356            | duty in taking property                              | 4975       |
| record of bond and suits thereon                                  | 2357            | service of papers on defendant                       | 4975       |
| duties of   | 2352            | responsible for plaintiff's sureties....             | 4976       |
| inspect flock coming into the territory                           | 2353            | may redeliver property to defendant                  | 4977, 4978 |
| owner shall remove flock, if diseased..                           | 2354            | responsible for defendant's sureties, when           | 4978       |
| shall give inspectors reasonable facilities for making inspection | 2355            | shall publicly demand concealed property             | 4980       |
| penalty for violation   | 2355            | shall keep seized property                           | 4981       |
| fees of for inspection and report                                 | 2359            | duty when property claimed by third person           | 4982       |
| shall keep record of official acts                                | 2358            | files papers with clerk                              | 4983       |
| false report by-how punished                                      | 2361            | attachment-warrant                                   | 4997       |
| removal of, for what causes                                       | 2362            | how executed   | 4998       |
| owner must clip sheep on his own premises                         | 2363            | inventory of property seized                         | 4999       |
| sheep inspectors' fund, what is                                   | 2364            | filing with other papers                             | 4999       |
| (See Sheep Diseases-Officers.)                                    |                 | property to be kept                                  | 5000       |
| <b>SHERIFF</b> -bond  | 1374            | perishable sold by order of court                    | 5001,5141  |
| fees, general   | 1409-1413       | claimed by others, jury summoned                     | .5002,5125 |
| same in probate and justices' courts as in district court         | 1412            | how seized when incapable of manual delivery         | 5004       |
| must indorse statement of on process                              | 1413            | when debts, credits, etc                             | 5000       |
| may demand in advance   | 1436            | satisfies judgment how                               | 5006       |
| must keep table of posted   | 1431            | indemnity from plaintiff, when                       | 5007       |
| general duties  | 661             | return of warrant                                    | 5013       |
| is succeeded by coroner, when                                     | 663             | arrest and bail-execution and return of order        | 4949       |
| may administer certain oaths                                      | 481             | service of papers on defendant                       | 4950       |
| may appoint deputies  | 1397, 1398      | execution of order of arrest, bar                    | 4951       |
| is responsible for negligence and misconduct of deputies          | 7800            | detention of defendant surrendered by bail           | 4954       |
| must keep office at county seat                                   | 661             | certificate of surrender                             | 4954       |
| is exempt from jury duty  | 443             | delivery to plaintiff of order and return            | 4958       |
| execution against property issued to...                           | 5114            | undertaking  | 4958       |
| sells real estate under   | 5114            | notice of justification                              | 4959       |
| gives certificate of sale to purchaser                            | 5114, 5140      | deposit by defendant-certificate....                 | 4963       |
| writ of, directed to  | 5110            | must be paid into court                              | 4964       |
| returned, when  | 5115            | refunded on order of court                           | 4965       |
| proceedings on  | 5115            | liability of sheriff on escape of defendant          | 4967       |
| how executed  | 5120, 5121      | judgment on  | 4968       |
| payment to, by debtor's debtor                                    | 5124            | of bail to sheriff, when                             | 4969       |
| jury summoned by, in case of thirdperson's claim                  | 5125            |  |            |
| may select third appraiser on, when                               | 5131            |  |            |
| gives debtor notice of levy                                       | 5133            |  |            |
| returns exemptions  | 5134            |  |            |
| publishes notice of sale of personalproperty                      | 5141            |  |            |
| of real property  | 5141            |  |            |

# INDEX.

|   | Section.         |  | Section.        |
|---|------------------|--|-----------------|
| <b>SHERIFF- Continued.</b>  |                  | <b>SHERIFF-Continued.</b>                                      |                 |
| criminal proceedings - execution of judgment                      | 7474-7498        | jurors-duties pertaining to drawing of in                      |                 |
| duties pertaining to inquisition of pregnancy                     | 7489-7491        | counties without township organization                         | 447-450         |
| holds stolen property subject to order                            |                  | in counties with township organization                         | 455-458         |
| of magistrate   | 7589             | coroners, summoned by  | 964             |
| delivers on proof and payment of charges                          | 7590,7592        | mileage for summoning  | 1410            |
| taking, must give duplicate receipts                              | 7594             | provides food and lodging for                                  | 7410            |
| duties pertaining to search-warrants                              |                  | struck juries, duties  | 5042            |
| (See Search Warrants.)  | 7619-7633        | summons jurors on order of court ..                            | 7202            |
| arrests fugitives from justice same as in other cases             | 7637             | talesmen   | 7132, 7334      |
| duties pertaining to habeas corpus                                |                  | complaint-for selling unwholesome food                         | 2246,2250       |
| (See Habeas Corpus.)  | 7839-7857        | for violation of game law                                      | 2378            |
| may arrest escaped prisoner any where                             | 7158,7160        | of liquor law  | 2220            |
| to arrest and imprison witness,when                               | 7185,7186        | against gamblers   | 6600            |
| discharges prisoner on bail given....                             | 7130             | militia-may call out, when                                     | 1960            |
| suspend execution on notice of writ of error                      | 7507,7508        | courts martial-executes precepts of                            | 1964            |
| serves subpoenas, how   | 7533, 7533,7534  | is marshal of  | 1966            |
| may arrest persons without warrant                                | 7139,7148        | compensation   | 1967            |
| may claim prisoner arrested in another county, how                | 7105             | sealer of weights and measures                                 | 2421            |
| must produce defendant before the court, when                     | 7458, 7492, 7493 | compensation   | 2421            |
| has custody of prisoner where indictment is found                 | 7271             | commands assistance in case of riots..                         | 7068            |
| removes defendant in case of change of venue ....                 | 7314             | duties in case of supersedeas                                  | 7507, 7507,7508 |
| must produce defendant restored to sanity                         | 7572             | serves process in judicial subdivision, when                   | 422             |
| collects fines against corporations...                            | 7586             | orders of clerks, viewers and review                           |                 |
| jail-posts rules of   | 7790             | ers in land drainage cases                                     | 2076            |
| has charge of   | 7792             | notice on examiners of highways....                            | 1194            |
| keeps register  | 7793             | viewers of highways  | 1207            |
| makes report to commissioners and secretary of territory          | 7794             | injustice's court-serves summons....                           | 6056            |
| provides necessities for prisoners....                            | 7798             | writ of attachment   | 6069, 6069,6070 |
| visits, when  | 7799             | executes judgments   | 6112            |
| refusal to conform to rules-penalty.                              | 7801             | warrant of arrest  | 6148            |
| keeps sexes separate  | 7805, 7806, 7831 | (See Officers.)  |                 |
| cleanliness   | 7808             | <b>SHIP-defined</b>  | 2878, 3796      |
| furnish bibles  | 7809             | appurtenances of   | 2879            |
| prisoner to be delivered in adjoining county, when                | 7803, 7803,7836  | foreign, defined   | 2881            |
| no liquor to prisoners  | 7805-7807        | domestic, defined....  | 2881            |
| calendar  | 7810             | rights of part owners of                                       | 2882            |
| copy to court   | 7811             | who responsible for supplies of                                | 2883            |
| United States prisoners   | 7826             | registry, enrollment and license of                            | 2884            |
| calendar  | 7828             | navigation of, rules for                                       | 2885-2888       |
| kept by sheriff or deputy   | 7831             | transfer of, must be in writing                                | 3255            |
| authority of  | 7833             | how recorded   | 3276            |
| commitments filed   | 7834             | charter party of, defined                                      | 3750            |
| delivered to successor  | 7835             | master of (See Shipmaster.) seaman on (See Seaman.) manager of |                 |
| indigent prisoners held for fine reported to justice of the peace | 7825             | (See Ship's Manager.)  |                 |
| penitentiary-conveyance of prisonersto                            | 7479, 7692,7744  | stowage on deck of, not allowed (SeeAverage-Bill of Lading-    |                 |
| compensation  | 1411             | CarriageCarrier-Insurance.)                                    | 3847            |
| .nsane hospital- conveyance of patients                           | 2185             | sacrifice may be made for safety of....                        | 3871            |
| compensation  | 1411             | must be borne ratably by                                       | 3871            |
| in insane cases generally   | 2196             | how valued on general average                                  | 3876            |
| elections-serves notice of appointment on judges                  | 1442             | master may hypothecate, when ....                              | 4017, 4017,4420 |
| posts notices   | 662, 1445        | may sell, when   | 4018            |
| of first township meeting   | 707              | may ransom, when   | 4020            |
| delivers poll books   | 1485             | part owners of, not made partners by use in joint enterprise   | 4028            |
| organization of new counties                                      | 514-516          | mortgage of, how recorded                                      | 4391            |
| calls special, in case of tie vote                                | 1471             | hypothecation of, by mortgage (See Mortgage.)                  |                 |
|   |                  | by bottomry (See Bottomry.)                                    |                 |
|   |                  | owner of, must repay owner of cargo amount paid under          |                 |
|   |                  | respondentia....   | 4435            |
|   |                  | liens on   | 4444, 4445      |
|   |                  | <b>SHIP'S MANAGER-defined</b>                                  | 3826            |
|   |                  | duties of  | 3827            |
|   |                  | compensation of  | 3828            |
|   |                  | authority of, as agent (See Agent Em loye.)                    | 4025, 4026      |
|   |                  | <b>SHIPMASTER-how appointed</b>                                | 3796            |
|   |                  | must be on board. when   | 3797            |

# INDEX.

|  | Section.        |  | Section.        |
|--|-----------------|--|-----------------|
| <b>SHIPMASTER-Continued.</b>                       |                 | <b>SPECIFIC PERFORMANCE-presumption-Continued.</b>     |                 |
| must take a pilot, when                            | 3798            | against, as to personal property....                   | 4629            |
| power of, over seaman                              | 3799            | may be enforced in favor of party not bound, when      | 4630            |
| over passengers                                    | 3800            | may be enforced, notwithstanding penalty in contract   | 4631            |
| to impress private stores                          | 3801            | not enforced, in respect of personal service           | 4632            |
| must not abandon ship without advice               | 3802            | of contract to accept arbitration....                  | 4632            |
| duties of, on abandoning ship                      | 3803            | of act which party cannot perform..                    | 4632            |
| must not trade on his own account, when            | 3804            | of agreement to procure act of third person            | 4632            |
| care and diligence required of                     | 3805            | of indefinite contract                                 | 4632            |
| general agent for shipowner                        | 4013            | against party not having adequate consideration        | 4633            |
| for owners of cargo                                | 4015            | as to whom contract is not fair                        | 4633            |
| authority of, to borrow on credit of owner of ship | 4014            | not freely consenting                                  | 4633            |
| on behalf of owner of cargo                        | 4015            | in favor of party in default                           | 4634            |
| to transact business of ship                       | 4016            | of agreement to buy not enforced whentitle doubtful    | 4635            |
| to sell the ship                                   | 4018            | may be enforced against persons claim                  |                 |
| to sell cargo                                      | 4019            | ing under party bound to perform...                    | 4636            |
| to ransom ship                                     | 4020            | of trust power may be compelled                        | 2866            |
| ceases, when                                       | 4021            | may be enforced after revision                         | 4640            |
| to hypothecate ship                                | 4017, 4017,4421 | judgment of, how enforced                              | 5112            |
| freightage   | 4317,4422       | by probate court                                       | 5874            |
| cargo  | 4017,4433       | <b>SPECIFIC RELIEF-to be given only in</b>             |                 |
| (See Bottomry-Respondentia.) personally liable,    |                 | special cases  | 4572 4572,4620  |
| unless otherwise agreed,etc                        | 4022            | how given  | 4621, 4621,4622 |
| liability of, for persons employed on ship..       | 4023            | not given to enforce penalties                         | 4623            |
| foracts,of pilot                                   | 4024            | (See Relief-Specific Performance.)                     |                 |
| lien of  | 4444            | <b>STALLION-prohibited from running at large .....</b> | 2280            |
| (See Agent-Employe.)                               |                 | <b>STAMPEDES IN PUBLIC BUILDINGS</b>                   | 2412-2415       |
| violations of quarantine laws by...                | 6637, 6638      | doors of public buildings must open                    |                 |
| <b>SHIP WRECK</b> -involuntary deposit may         |                 | and swing outward                                      | 2412, 2412,2413 |
| be made in case of                                 | 3659            | width of doorways                                      | 2412, 2413      |
| <b>SIGNAL LIGHT</b> -masking or removing           | 6905            | penalty for non-compliance with law..                  | 2414            |
| <b>SIGNATURE</b> -defined                          | 6970            | <b>STATUTE</b> -expression of law                      | 2502            |
| includes what..                                    | 7661            | effect of obligation entered into under authority of   | 2518            |
| obtaining by extortion                             | 6812            | when not to be restrained from taking effect           | 4650            |
| <b>SKILL</b> -degree of, required of borrower      | 3702            | act done by authority of, not a nuisance               | 4684            |
| of employe   | 3763            | in derogation of common law to be liberally construed  | 4763            |
| possessed by employe must be used                  | 3764            | repeal of repealing, effect of                         | 4766            |
| carrier must use reasonable                        | 3838            | releases obligation, when                              | 4767            |
| <b>SLANDER</b> -defined                            | 2529            | private, how pleaded                                   | 4928            |
| action for-pleading in                             | 4929            | in criminal actions                                    | 7253            |
| costs limited in                                   | 5191            | foreign, how proved                                    | 5302            |
| limitation of                                      | 4852            | liabilities created by, how limited                    | 4850            |
| (See Libel and Slander.)                           |                 | penal, rule of construction                            | 7656            |
| <b>SLUNG SHOT</b> -manufacture of, prohibited      | 6656            | secretary shall have printed                           | 50              |
| carrying or using                                  | 6657            | shall arrange and correct                              | 51              |
| <b>SODOMY</b> (See Crime against Nature.)          |                 | shall arrange and compile                              | 62              |
| <b>SOLDIERS AND SAILORS</b> - burial               |                 | distribution of  | 52,53           |
| territory pay charges, when                        | 2469            | to whom and how distributed                            | 53              |
| interment must not be in potter'sfield             | 2470            | copies sent to officers of the United States           | 54              |
| probate judge to give them proper burial           | 2471            | county officers supplied how                           | 55              |
| county clerk to forward certificates of            |                 | officers shall deliver, to successors....              | 56              |
| expense of, to territorial auditor...              | 2472            | penalty  | 57              |
| appropriations                                     | 2473            | lost volumes of, how replaced                          | 58              |
| preferment for official appointment....            | 2474            | secretary may sell copies of                           | 59              |
| public officers to comply with law for             | 2475            | copies to be supplied for territorial library          | 60              |
| <b>SPECIAL PROCEEDINGS</b> -defined                | 4811, 4812      | conflicting laws, how adjusted                         | 61              |
| court always open for hearing                      | 4828            | <b>STAY</b> -of execution, by appeal, when             | 5220-5227       |
| parties to, how denominated                        | 5505            | order for, limitations                                 | 5324            |
| judgment in, defined                               | 5506            | omissions in proceedings to,how rectified              | 5235            |
| motion in, defined                                 | 5506, 5506,5324 |  |                 |
| <b>SPECIFIC PERFORMANCE</b> -of obliga             |                 |  |                 |
| tions may be compelled, when                       | 4627            |  |                 |
| notenforced unless mutual                          | 4628            |  |                 |
| presumption in favor of, as to realproperty        | 4629            |  |                 |

# INDEX.

|   | Section.           |   | Section.        |
|---|--------------------|---|-----------------|
| <b>STAY-Continued.</b>                                  |                    | <b>SUBPOENA-Continued.</b>                                      |                 |
| of proceedings, effect of, on limitation .              | 4864               | requisites of   | 5262            |
| in certiorari   | 5511               | service of-by whom  | 5261            |
| in case of cross judgments, until, etc ..               | 5458               | how   | 5264            |
| by payment of installment due ....                      | 5440, 5410,5441    | how proved  | 5261            |
| in compromise of misdemeanor                            | 7576               | disobedience of, contempt                                       | 5267            |
| is a bar to prosecution, when                           | 7577               | in criminal actions-definition of                               | 7526            |
| <b>STEALING</b> -(See Larceny.)                         |                    | may be issued by magistrate                                     | 7527            |
| <b>STEAMBOAT</b> -person in charge of,                  |                    | district attorney may issue for grand jury                      | 7528            |
| guilty of manslaughter, when                            | 6457               | for trial of criminal action                                    | 7529            |
| mismanagement of... ..                                  | 6609               | clerk of court must issue blank sub poenas to defendant         | 7530            |
| selling liquor on, on Sunday forbidden.                 | 6920               | form of   | 7531            |
| (See Ship.)   |                    | duces tecum   | 7532            |
| <b>STEAMBOATMEN</b> (See Seaman.)                       |                    | served by whom  | 7533            |
| <b>STEAM ENGINE</b> -person in charge of,               |                    | how   | 7534            |
| guilty of manslaughter, when                            | 6458               | witness residing out of county, judge must indorse              | 7537            |
| mismanagement of  | 6610               | disobedience to ...   | 7538            |
| <b>STEAMERS</b> (See Ship.)                             |                    | penalty, when for defendant                                     | 7539            |
| <b>STEP CHILDREN</b> -husband not bound to maintain     | 2615               | justice of the peace may issue                                  | 6176            |
| <b>STEP RELATIVES</b> -cannot intermarry                | 2538               | may leave blanks to be filled                                   | 6138            |
| <b>STENOGRAPHERS</b> -appointment of...                 | 481                | <b>SUBROGATION</b> -right of inferior lienor to                 | 4339            |
| general duties  | 482                | <b>SUBSTITUTE</b> -responsibility of employe for (See Employe.) | 3762            |
| compensation of   | 482-485            | <b>SUBSTITUTION</b> -of party-on transfer of interest           | 4881            |
| to make transcript, when                                | 483                | by interpleader   | 4887            |
| fees to be taxed as costs, when                         | 484                | of copy of lost pleading  | 5339            |
| attend courts of the district                           | 485                | of heirs in place of deceased ancestor                          | 4883,4884       |
| tenure and oath   | 486                | false, of one child for another                                 | 6414            |
| duties of pertaining to depositions in criminal actions | 7558               | <b>SUCCESSION</b> -defined                                      | 3399            |
| <b>STILL BIRTH</b> -concealment of                      | 6540               | both real and personal property pass by                         | 3400            |
| second offense, penalty for                             | 6947               | to whom property passes by                                      | 3401            |
| <b>STOCK</b> -corporate (See Corporations.)             |                    | who take by representation in                                   | 3401, 3401,3416 |
| <b>STOCKHOLDER</b> -defined                             | 2909               | advancement, effect of in                                       | 3411-3415       |
| liabilities of-of-for debts of corporation..            | 2933               | relatives of half blood when to take by                         | 3410            |
| for labor of mechanics and laborers,                    |                    | computation of degrees in determining                           | 3405-3409       |
| joint and several                                       | 3111, 3113111,3112 | aliens may take by  | 3417            |
| <b>STOLEN PROPERTY</b> -pawnbroker refusing to exhibit  | 6604               | mother of illegitimate child to take by.                        | 3404            |
| penalty for receiving                                   | 6793               | illegitimate relative, when to take by..                        | 3403            |
| bringing into territory                                 | 6795, 7119         | posthumous children, how considered.                            | 3416            |
| carried into another county                             | 7105               | people of the territory, when to take by                        | 3401, 3418      |
| disposal of   | 7589-7594          | take by, subject to charges                                     | 3419            |
| must be held by officer                                 | 7589               | persons taking by, when liable for intestate's obligation       | 3420            |
| magistrate-may order delivery, when title is shown      | 7590               | of trustees (See Trustees.)                                     | 3957-3959       |
| may deliver, if in his custody...                       | 7591, 7624         | change of interest by, does not avoid insurance                 | 4116            |
| court may deliver by order                              | 7592, 7624         | order of, to homestead  | 2463, 2463,2464 |
| if not claimed in six months                            | 7593, 7624         | (See Curtesy-Dower-Executors and Administrators.)               |                 |
| property taken from defendant on arrest, receipt given  | 7594, 7624         | <b>SUCCESSORS</b> -liability of-of-for debts ofintestate        | 3420            |
| <b>STOPPAGE IN TRANSIT</b> --right of, who may exercise | 4451               | for mortgage debts  | 4367            |
| when may be exercised                                   | 4452               | <b>SUICIDE</b>  | 6428-6436       |
| how effected..  | 4454               | defined   | 6428            |
| does not rescind sale                                   | 4455               | does not work forfeiture  | 6428            |
| <b>STORAGE</b> -defined                                 | 3681               | attempt to commit   | 6430            |
| rights and obligations of depositor on                  | 3684, 3685         | punishment for  | 6436            |
| of depositary on  | 3682, 3683         | aiding-another to commit  | 6431            |
| (See Deposit.)  |                    | punishmentfor   | 6435            |
| <b>STREAM</b> -cannot be interrupted byowner of soil    | 2771               | attempt to commit   | 6633            |
| <b>STREETS AND ALLEYS</b> (See CitiesTowns.)            |                    | furnishing weapon or drug                                       | 6432            |
| <b>STRUCK JURY</b> -how selected                        | 5042, 5043         | incapacity to commit crime, no defense                          | 6434            |
| allowed only on order of court                          | 5045               | <b>SUMMARY PROCEEDINGS</b>                                      | 5537-5555       |
| party requiring, shall pay fees                         | 5044               | <b>SUMMONS</b> -requisites of                                   | 4892,4893,5241  |
| <b>SUB-AGENT</b> -may be appointed, when.               | 4004               |   |                 |
| represents whom   | 4005               |   |                 |
| <b>SUBMISSION</b> -of case without trial.               | 5540-5542          |   |                 |
| of questions to be voted on                             | 6293               |   |                 |
| <b>SUBORNATION OF PERJURY</b> (See Perjury.)            |                    |   |                 |
| <b>SUBPOENA</b> -who may sue                            | 5261               |   |                 |

# INDEX.

|  | Section.        |  | Section.        |
|--|-----------------|--|-----------------|
| <b>SUMMONS-Continued.</b>                                  |                 | <b>SURETY-Continued.</b>                                     |                 |
| notices in, what   | 4894            | liability of ....  | 4299-4303       |
| after judgment, what                                       | 5240, 5241      | cannot exceed terms of contract                              | 4299            |
| service of begins the action                               | 4892            | not altered by judgment against principal                    | 4301            |
| served-on whom (See Defendant.)                            | 4898            | discharged by offer to perform principal obligation          | 4302            |
| in actions against railroad corporations                   | 4898            | interpretation of contract of                                | 4300            |
| public corporations  | 4898            | how exonerated   | 4303            |
| by whom  | 4899            | rights of  | 4304-4310       |
| how  | 4898            | same as guarantor's  | 4304            |
| by publication, when and how made...                       | 5367            | to compel creditor to sue, etc                               | 4305            |
| when complete ....   | 4902            | principal to perform   | 4306            |
| in bastardy proceedings, issued by clerk                   | 5561            | to repay him   | 4307            |
| when and where to be filed                                 | 5335            | co-sureties to contribute                                    | 4308            |
| in criminal proceedings against corporations               | 7579            | to enforce remedies of creditor against principal            | 4308            |
| form of  | 7580            | to benefit of securities held by credit or or co-surety      | 4309            |
| service of ...   | 7581            | to have principal's property taken first                     | 4310            |
| injustice's court (See Justice's Court.)                   |                 | rights of creditor against                                   | 4311            |
| <b>SUNDAY</b> (See Sabbath.)                               |                 | to benefit of securities held by                             | 4311            |
| <b>SUPERHUMAN CAUSE</b> -an excuse for non-performance     | 3479            | release of principal releases                                | 3493, 3493,4290 |
| innkeeper not responsible for                              | 3686            | indemnitor, how far entitled to rights of                    | 4270            |
| carrier not responsible for                                | 3899            | indorser for accomodation has rights of                      | 4485.           |
| no one responsible for                                     | 4713            | (See Guaranty-Letter of Credit.) not liable until            |                 |
| <b>SUPERINTENDENT OF PUBLIC IN</b>                         |                 | remedy exhaustedagainst principal                            | 5166, 5166,5172 |
| <b>.STRUCTION</b> -ex-officio member of                    |                 | bail may be sued only by direct action.                      | 4956            |
| board of education of Spearfish normal school              | 351             | may be proceeded against by motion..                         | 5212            |
| of Springfield normal school                               | 369             | for costs-when required                                      | 5207            |
| gives notice of opening of Springfield normal school       | 371             | liability of ...   | 5208            |
| may appoint a deputy                                       | 1397            | exemptions limited   | 5140            |
| (See Education-Officers.)                                  |                 | on appeal bond in probate proceedings                        | 5970            |
| <b>SUPERSEDEAS</b> -effect of                              | 7506            | for executors and administrators (See                        |                 |
| <b>SUPPLEMENTARY PROCEEDINGS</b>                           |                 | Executors and Administrators.)                               |                 |
| in aid of execution  | 5174-5185       | for costs in justice's court                                 | 6140            |
| debtor - examined on oath as to his property               | 5174            | <b>SURETYSHIP</b> -contract of, defined                      | 4297            |
| debtors' debtor-may pay to sheriff....                     | 5175            | how interpreted  | 4300            |
| may be examined on oath                                    | 5176            | (See Surety-Guaranty-Letter of Credit.)                      |                 |
| witnesses may be called to testify                         | 5177            | <b>SURPRISE</b> -contract made by, not specifically enforced | 4633            |
| referee to take testimony                                  | 5178, 5178,5183 | (See Mistake.)   |                 |
| receiver may be appointed                                  | 5180            | <b>SURRENDER</b> -of bill of lading maybe                    |                 |
| debtor restrained from transferring property               | 5180,5182       | required by carrier, when                                    | 3861            |
| what property may be applied to satisfy                    | 5179            | of negotiable instrument may be required by party paying it  | 4497            |
| doubtful claims to be sued for by receiver                 | 5182            | of written instrument maybe adjudged, when ..                | 4644            |
| contempt punished  | 5185            | <b>SURVEYOR</b> -compensation for platting                   |                 |
| <b>SUPPORT TO LAND</b> -right of natural..                 | 2784            | towns and cities or additions                                | 1102            |
| right of more than natural, when                           | 2760            | employed to make partition                                   | 5374, 5374,5460 |
| <b>SUPPRESSION</b> -of fact, when fraudulent               | 3507,3599       | (See County Surveyor.)                                       |                 |
| <b>SUPREME COURT</b> -jurisdiction of,                     |                 | <b>TAIL</b> -estates in, abolished                           | 2736            |
| original and appellate                                     | 4819            | <b>TAXATION</b> (See Assessment and Taxation.)               |                 |
| original jurisdiction extends to what..                    | 4820            | <b>TAXES</b> -on estates of decedents must be                |                 |
| adjournment to other rooms                                 | 4823            | paid before distribution                                     | 5928.           |
| appeals to (See Appeals.)                                  | 5213-5239       | false statements concerning                                  | 6716            |
| less than quorum may file opinion of court                 | 4823            | (See Assessment and Taxation)                                |                 |
| may grant writs of certiorari                              | 5507            | <b>TAX SALE</b> (See Assessment and Taxation.)               |                 |
| writ of error (See Writ of Error.)                         | 7499-7525       | <b>TEACHERS</b> -to record visits of county superintendent   | 1846            |
| may issue writ of habeas corpus                            | 7857            | penalty for false entry                                      | 1848            |
| may review decisions of district court in criminal actions | 7042            | (See Education.)   |                 |
| takes judicial notice of the existence of cities           | 847             | <b>TECHNICAL</b> -words, how interpreted .                   | 3353, 3560      |
| terms of   | 405             | <b>TELEGRAPH</b> -carrier by, must use utmost diligence      | 3880            |
| traveling expenses of judges                               | 406,407         | common carrier by, must transmit in what order               | 3908            |
| reporter of  | 408-412         | (See Carrier.)   |                 |
| distribution of reports of                                 | 413-416         |  |                 |
| <b>SURETY</b> -defined                                     | 4297            |  |                 |

# INDEX

|  | Section.    |   | Section.        |
|--|-------------|---|-----------------|
| <b>TELEGRAPH-Continued.</b>                              |             | <b>TERRITORIAL COMMISSIONERS</b> Continued.               |                 |
| injury or removing                                       | 6879        | acknowledgment valid                                      | 491             |
| intercepting message                                     | 6879        | may administer oath and take depositions                  | 492             |
| disclosing dispatches is misdemeanor..                   | 6909        | qualification, oath, and seal                             | 493             |
| secreting dispatch is misdemeanor                        | 6910        | <b>TERRITORIAL SEAL</b>                                   | 67              |
| <b>TELEGRAPH LINES</b> -taxation of                      | 1577-1581   | <b>TERRITORIAL TREASURER</b> -appointment of              | 84              |
| right of way, how acquired                               | 3000        | bond  | 1374, 1374,1405 |
| <b>TELEPHONE LINES</b> -right of way, how acquired       | 3025        | salary  | 1405            |
| <b>TENANT</b> -at will, how required to quit..           | 2755        | no fees allowed   | 93              |
| rights of, limited                                       | 2774        | may appoint deputy  | 1397            |
| may repair at expense of landlord,when                   | 3738        | has charge of public moneys                               | 85              |
| continued possession of, when renews lease               | 3741        | must keep account of receipts and disbursements           | 86              |
| must give notice to landlord of adverse proceeding       | 3744        | with each county  | 87              |
| of part of room entitled to the whole...                 | 3745        | receives- territorial warrants for public dues            | 88              |
| released from rent by letting of room in parts           | 3745        | indorsement of warrants not paid                          | 89              |
| holding over, damages against                            | 4608, 4609  | returns redeemed warrants to auditor.                     | 90              |
| (See Landlord.)  |             | biennial report to governor                               | 91              |
| <b>TENDER</b> -literal, not necessary (See               |             | inspection of accounts by legislature..                   | 92              |
| OVER of Performance.)                                    | 3473        | prohibited from purchasing warrants                       |                 |
| <b>TERRITORIAL AUDITOR</b> - appointment                 | 68          | or accounts   | 93              |
| bond   | 1374        | is responsible for collection of public revenue           | 94              |
| compensation   | 1404        | may fund warrants at eight per cent., when                | 1668            |
| as commissioner of insurance                             | 3076        | to register territorial warrants                          | 1671-1680       |
| may appoint deputy                                       | 1397        | may call bonds for payment                                | 1681-1683       |
| all accounts to be audited by                            | 69          | duplication of lost bonds                                 | 1684-1687       |
| of sheriff for transporting convicts and insane patients | 1411        | member of board of equalization                           | 1588            |
| warrants-how issued                                      | 70-72       | duties pertaining to assessment of railroads              | 1571-1576       |
| accounts-method of                                       | 73          | telegraph lines   | 1577-1581       |
| report to governor                                       | 74          | member of territorial canvassing board, when              | 1474            |
| submits books to legislative examination ....            | 76          | collects fees for messenger sent for election returns     | 1475            |
| assessment-annual statement to territorial treasurer     | 75          | keeps standards of weights and measures                   | 2419            |
| transmits lists of lands becoming taxable                | 76, 76,1646 | ex-officio treasurer university of north Dakota           | 299             |
| forms-and instructions                                   | 78, 78,1587 | member board of education Madison normal school           | 332             |
| rate of tax, to county clerk                             | 1590        | Spearfish normal school                                   | 351             |
| of corporations  | 1565        | Springfield normal school                                 | 369             |
| may remit penalties, when                                | 79 is       | <b>TERRITORIAL WARRANTS</b> - auditormay issue fractional | 70              |
| member of territorial board of equalization              | 1588        | redemption of   | 71              |
| duty on default of officers to turn over revenue         | 81          | to be consecutively numbered                              | 72              |
| contingent expenses                                      | 80          | receivable for public debt                                | 88              |
| administers oaths as to accounts                         | 82          | (See Warrants.)   |                 |
| furnishes clerical assistance to governor's office       | 83, 495     | <b>TERRITORY</b> -what property owned by the              | 2684,2685       |
| is member of board of trustees of public property        | 127         | when newly formed land belongs to the ...                 | 3209            |
| of election canvassers                                   | 1474        | interpretation to be in favor of, when                    | 3238,3569       |
| transmits name of civil township to be changed           | 709         | grant of land adversely possessed, valid when made by     | 3303            |
| records name of school township                          | 1731        | property of intestate passes to, when                     | 3401, 3418      |
| warrants for bounty for tree planting..                  | 2407        | subject to what charges, etc                              | 3419            |
| for probate money deposited                              | 5946        | when will not site for real property ....                 | 4834            |
| insurance-distribution of tax to fire departments        | 1137-1141   | actions by, limitations of                                | 4835            |
| department (See Corporations, Insurance.)                | 3038-3107   | costs against   | 5202            |
| (See Ofcers.)  |             | action in name of   | 5346, 5348      |
| <b>TERRITORIAL BOARD OF EQUALI</b>                       |             | to recover forfeited property                             | 5361            |
| <b>ZATION</b> (See Assessment and Taxation.)             |             | process of courts in name of                              | 4807, 4815      |
| to levy tax against county failing to remove             |             | <b>TERMINATION OF ESTATES</b>                             | 2755-2759       |
| discharged insane patient from insane hospital           | 254         | <b>TESTAMENT</b> (See Will.)                              |                 |
| <b>TERRITORIAL COMMISSIONERS</b> -appointment            | 489         | <b>TESTATOR</b> -who may be                               | 3305            |
| seal   | 490         |   |                 |



# INDEX.

|   | Section.        |  | Section.         |
|---|-----------------|--|------------------|
| <b>TESTATOR-Continued.</b>                                    |                 | <b>THREAT- Continued.</b>                            |                  |
| conjoint will may be revoked by any..                         | 3311            | interfering with election by                         | 6280             |
| must subscribe will   | 3313            | to publish a libel                                   | 6520             |
| may revoke will, how  | 3324            | (SeeMenace.)   |                  |
| will to be construed according to intention of                | 3343            | <b>TICKET</b> -to passenger, effect of               | 3888             |
| sanity of, to be proved on probate of will, when              | 5673            | <b>TIMBER</b> -injuries to                           | 6894, 6895       |
| <b>TESTIMONY</b> of witness privileged, when                  | 2530            | damages for  | 4611             |
| mode of taking  | 5277            | <b>TIME</b> -computation of                          | 4757             |
| proceedings to perpetuate                                     | 5317-5321       | as to minor  | 2509             |
| (See Deposition-Evidence-Witness.)                            |                 | at which obligation must be performed                | 3463,3464        |
| <b>TEXAS CATTLE</b>   | 2311-2319       | not of essence unless expressly so declared          | 3465, 3573       |
| definition of 2318 importation forbidden except when...       | 2311            | lapse of, when proposal revoked by....               | 3521             |
| unlawful to have in possession, except when                   | 2312            | allowed for performance of contract...               | 3572             |
| penalty for violation of law restricting importation          | 2313            | for delivery of goods sold                           | 3621             |
| disposition of fines collected                                | 2314            | for offer or demand of delivery                      | 3626             |
| who liable for damage caused by                               | 2315            | at which negotiable instrument must                  |                  |
| what necessary to prove damage                                | 2315            | be presented for payment                             | 4491             |
| right to bring in between certain dates                       |                 | reaches apparent maturity.                           | 4992, 4494,4495  |
| no defense to action for damages ...                          | 2316            | notice of dishonor must be given.                    | 4505, 4507       |
| proof necessary to entitle plaintiff to recover               | 2316            | bill may be presented for acceptance                 | 4525, 4529       |
| proceedings when spreading disease...                         | 2317            | bill must be presented for payment..                 | 4544             |
| may be impounded-proceedings                                  | 2317            | protest must be made                                 | 4554             |
| certain portion of territory excepted from act                | 2319            | check must be presented                              | 4568             |
| purpose of law regulating importation of                      | 2319            | void act not confirmed by                            | 4726             |
| <b>THING IN ACTION</b> -defined                               | 2876            | <b>IN CIVIL PROCEEDINGS</b> -may be extended         |                  |
| transfer of and survivorship in                               | 2877            | in any case  | 4805, 4939, 5326 |
| value of, how estimated in assessing damages                  | 4615            | of commencing civil actions-limitations              | 4834-4857        |
| assignment of-pending action, effect of                       | 4871            | general provisions as to                             | 4858-4869        |
| liable to execution   | 4998,5003-5005  | for service of complaint                             | 4895             |
| how seized in attachment and execution                        | 5004, 5005      | for answering-complaint                              | 4908             |
| how disposed of by judicial sale ....                         | 5122, 5122,5123 | amended complaint                                    | 4912             |
| <b>THIRD PERSON</b> -defined                                  | 4748            | to reply to answer                                   | 4918             |
| consent of, to execution of power, how to be given            | 2841            | of notice-of issue joined                            | 5034, 5034,5331  |
| delivery in escrow must be made to....                        | 3232            | of motion  | 5332             |
| may enforce existing contract for his benefit                 | 3499            | when by mail   | 5331             |
| consideration of contract may be left to decision of          | 3535            | filing summons and pleadings                         | 5335             |
| ratification not allowed to prejudice of                      | 3975            | for taking appeal to supreme court..                 | 5216             |
| agent liable to, when   | 4000            | for issuing execution                                | 5110,5111        |
| must deliver thing held for principal to, when                | 4001            | returning execution                                  | 5117             |
| liability of partner to                                       | 4051            | for asking relief against judgment                   |                  |
| who liable as partner to                                      | 4053            | through inadvertence or mistake..                    | 4939             |
| information of belief of, material in marine insurance        | 4196            | for redemption of real estate                        | 5151             |
| property may be pledged for benefit of                        | 4398            | sold at tax sale                                     | 1635             |
| contract to procure act to be done by,                        |                 | for demanding change of venue,                       | 4891             |
| not specifically enforced                                     | 4632            | to absent defendant to prosecute, after judgment     | 4900             |
| rights of, not to be prejudiced by revision of contract, when | 4637            | <b>IN CRIMINAL PROCEEDINGS</b> -Of commence          |                  |
| act of, not to prejudice                                      | 4707            | ing actions for murder, unlimited                    | 7113             |
| who must suffer by act of                                     | 4730            | in all other cases, three years                      | 7114             |
| cited to produce will, when and how...                        | 5663            | defendant's absence from territory suspends          | 7115             |
| <b>THREAT</b> -of injury, trustee may not use                 | 3621            | when indictment deemed found to interrupt limitation | 7116             |
| partner may not use   | 4037            | when arrest may be made-in felony...                 | 7141             |
| what constitutes extortion                                    | 6809            | in misdemeanor                                       | 7141             |
| in letters  | 6813            | on arraignment to answer                             | 7281, 7281,7282  |
| compelling form of religious belief by.                       | 6251            | allowed corporation to answer presentment            | 7579             |
| preventing religious act by                                   | 6252            | for suing out writ of error                          | 7504             |
| public meeting by   | 6275            | answering writ of error                              | 7512             |
| Intimidating voters by  | 6277            | may be extended by the court                         | 7515             |
|   |                 | for pleading in criminal actions                     | 7281             |
|   |                 | pleading time offense was committed                  | 7245             |
|   |                 | for pronouncing judgment in criminal actions         | 7455, 7456       |
|   |                 | of settling bill of exceptions in criminal actions   | 7442-7444        |
|   |                 | <b>IN PROBATE PROCEEDINGS</b> -for filing            |                  |
|   |                 | claims against estates                               | 5788             |
|   |                 | prosecuting claims against 'estates                  | 5788-5790        |

# INDEX

|  | Section.               |   | Section.          |
|--|------------------------|---|-------------------|
| <b>TIME</b> -in probate proceedings- <i>Continued.</i>   |                        | <b>TOWN MARSHAL</b> (See Towns-Officers.)           |                   |
| for commencing action on rejected claim against estate   | 5796                   | <b>TOWN MEETING</b> (See Townships.)                |                   |
| for sale of real estate of decedent  | 5832, 5833             | <b>TOWN TREASURER</b> (See Towns-Of<br>ficers.)     |                   |
| for commencing actions for recovery<br>of real estate sold by executor                                       | 5856                   | <b>TOWNS</b> -incorporation of                      | 1022-1042         |
| for commencing action for specific<br>performance after dismissal by probate court                           | 5876                   | site to be surveyed and platted                     | 1022              |
| of vacancy in administration not included in limitation  | 5799                   | census to betaken                                   | 1023              |
| In which appeals must be taken in probate proceedings  | 5965                   | incorporation-petition to county commissioners      | 1025              |
| for probate of nuncupative will  | 5692                   | order of commissioners                              | 1026, 1027        |
| for revocation of probate of nuncupative will  | 5693                   | election for  | 1028-1030         |
| in which will must be delivered by custodian   | 5659                   | officers to be chosen                               | 1036              |
| of hearing petition for compulsory production of will  | 5664                   | inspectors' certificate to county clerk .           | 1037              |
| allowed executor or administrator for receiving rents, etc   | 5773                   | for dissolution of corporation                      | 1076              |
| term of, for administering insolvent estate  | 5782                   | for re-incorporation as a city                      | 1017              |
| extension of, for final settlement of estate   | 5916                   | proof unnecessary except in dispute.                | 1078              |
| for publication of notice to creditors.  | 5787                   | what towns may adopt general law....                | 1079              |
| expressed in notice to creditors   | 5788                   | re-incorporation does not nullify debt<br>as cities | 1080<br>1016-1021 |
| for filing allowed claims  | 5795                   | election of officers                                | 1018              |
| of sale of land at auction   | 5832                   | officers-what are to be elected                     | 1036              |
| of service of citations  | 5955                   | oath and bond                                       | 1040, 1049        |
| allowed for taking appeal  | 5965                   | books and vouchers to be delivered<br>to successor  | 1050<br>1069      |
| in which order of sale is in force   | 6022                   | compensation, how fixed                             | 1036              |
| <b>TITLE</b> -to property, how acquired (See Property - Accession-<br>Occupancy - Succession-Transfer-Will.) | 3203                   | <b>TRUSTEES</b> -election                           | 1039              |
| what vests under transfer  | 3242, 3254             | vacancies, how filled                               | 1040              |
| to personal property passes by sale,when   | 3257                   | oath  | 1041              |
| by agreement for sale, when  | 3258                   | board a body corporate                              | 1042              |
| when buyer acquires better, than seller has  | 3259                   | special meetings, how called                        | 1043              |
| when passes under specific devise or legacy  | 3384                   | general powers enumerated                           | 1044              |
| to personal property, warranty of, when implied  | 3629                   | jurisdiction over public grounds...                 | 1045 1047         |
| does not pass by loan for use  | 3699                   | auditing and payment of accounts                    | 1048              |
| passes by loan for exchange  | 3712                   | contracting indebtedness                            | 453, 459          |
| cannot pass by lien  | 4330                   | duties pertaining to selection of jurors            | 1018              |
| seller demanding specific performance must give clear<br>of sale-under execution-what vests                  | 4635<br>5148-5160      | reincorporation as city                             | 1114-1119         |
| by sheriff not affected by reversal of judgment  | 5165                   | extension or restriction of corporate limits        | 1126-1130         |
| of cause to be stated in complaint   | 5341                   | change of wards                                     | 1142-1148         |
| claim of-is defense to embezzlement..  | 6804                   | public libraries                                    | 1168-1188         |
| pretended-purchasing, is a misdemeanor   | 6389, 6390             | town sites located on public lands                  | 1343-1345         |
| to land cannot be questioned in justice's court  | 6049                   | roads on boundary lines                             | 1849-1877         |
| <b>TITLE DEEDS</b> -by whom owned  | 3202                   | board of education                                  | 2208, 2208,2209   |
| who to execute in forced sales   | 5160, 5395, 5423, 5437 | granting liquor license                             | 2436-2442         |
| <b>TOLLS</b> (See Corporations.)   | 3034, 3034,6877        | laundry license                                     | 1094              |
| <b>TOLL HOUSE</b> -injury to is felony   | 6877                   | ordinances-how proven                               | 1065              |
| <b>TOWN ASSESSOR</b> (S(-o Towns-Officers.)  |                        | CLERK-general duties (See Officers.)...             | 1047              |
| <b>TOWNS AND CITIES</b> (See TownsCities.)   |                        | attests warrants on treasurer                       | 1051-1062         |
| <b>TOWN CLERK</b> (See Towns-Officers.)  |                        | duties pertaining to levy and collection of taxes   | 114               |
| <b>TOWN JUSTICE OF THE PEACE</b> (See Towns-Officers.)   |                        | reporting statistics to commissioner of immigration | 452, 452,454      |
|  |                        | selecting jurors                                    | 1137              |
|  |                        | securing insurance tax for fire department          | 1684-1687         |
|  |                        | duplicating lost bonds                              | 2439              |
|  |                        | granting laundry license                            | 1063              |
|  |                        | <b>TREASURER</b> -general duties (See Officers.)    | 1681-1683         |
|  |                        | may call time bonds for payment                     | 1052              |
|  |                        | AssEssoR-duties (See Ofcers.)                       | 1066              |
|  |                        | MARSHAL-general duties (See Officers.)              | 1055 1056 1062    |
|  |                        | to collect town taxes                               | 1063              |
|  |                        | to give receipts for license fees                   | 1081              |
|  |                        | duties injustice's court                            | 2220              |
|  |                        | to make complaint against unlawful sale of liquor   | 1081-1093         |
|  |                        | JusTICE's COuRT (See Justice's Court.)              | 1081              |
|  |                        | jurisdiction  | 1082,1086, 1093.  |
|  |                        | proceedings in                                      |                   |

# INDEX.

|  | Section.        |   | Section.            |
|--|-----------------|---|---------------------|
| <b>TOWNS-justices' court- Continued...</b>         | 1088            | <b>TOWNSHIPS-Continued.</b>                         |                     |
| powers of justice                                  | 1090            | constitute election districts                       | 838,1442            |
| trial by jury                                      | 1090            | may provide for confinement of prison               |                     |
| fees of jurors                                     | 1091            | ers   | 841                 |
| costs, how taxed                                   | 1093            | notice of place to be published or posted           | 842                 |
| BoNDs-for what purposes issued                     | 1149            | MEETINGS OF ELECTORS-held when                      | 714                 |
| how issued   | 1150            | bow noticed   | 714                 |
| TAXEs-limitation                                   | 1043            | organization of                                     | 720, 720,721        |
| regulations and restrictions                       | 1155-1160       | powers in general                                   | 716                 |
| levy and collection ..                             | 11051-1062      | election of officers                                | 715                 |
| when amount of eterminod                           | 1051            | how conducted                                       | 723-733             |
| assessment   | 1052            | to establish places for guide posts....             | 821                 |
| equalization                                       | 1053            | three public places                                 | 825                 |
| collection   | 1054-1062       | pounds and appoint pound masters                    | 826                 |
| for building or repairing sidewalks                | 1070,1071       | to levy taxes                                       | 711, 716            |
| for road purposes                                  | 1167            | special   | 830-832             |
| indebtedness, limitation of                        | 1160            | OFFICERS-who are elective (See Offi-cers.)          | 715                 |
| roads, how changed                                 | 1126-1130       | eligibility   | 737                 |
| streets and alleys                                 | 1131-1134       | oath and bond                                       | 7738,739            |
| sidewalks and streets                              | 1070, 1070,1071 | penalty for entering upon duties before taking oath | 748                 |
| water-works and fire-apparatus-authority to        |                 | resignations  | 781                 |
| purchase, lease or maintain                        | 1135, 1136      | fees  | 799                 |
| fire departments-tax in aid of                     | 1137-1101       | SUPERVISORS-term of office                          | 750                 |
| corporate limits-extension of                      | 1072-107-1119   | to take and approve bond of treasurer               | 743                 |
| addition   | 1073            | of justice of the peace                             | 740                 |
| annexing additions.                                | 1074            | to have bonds filed with register of deeds          | 744                 |
| duty of county commissioners                       | 1075            | may accept resignations                             | 751                 |
| dissolution of corporntions-hccr effected..        | 1076            | vacancies filled how                                | 752                 |
| not to affect existing contra,; a                  | 1077            | board of health                                     | 755                 |
| vacation of plat                                   | 1106-1113       | powers as   | 755-764             |
| change of name ...                                 | 1120-1125, 5556 | powers in general                                   | 765-775             |
| <b>TOWN SITES</b> -location of, on public lands    | 1168-1188       | meetings and business to be transacted              | 765-771             |
| who may make entry                                 | 1168            | quorum  | 775                 |
| money to pay for fee, how raised                   | 1169            | board of audit                                      | 790-796             |
| dispositio not town property                       | 1170            | review and equalization                             | 797,799             |
| transfer to claimants                              | 1171            | to submit recommendations as to guide posts         | 821                 |
| expenses, how apperctioned                         | 1172-1178       | to issue bonds, when                                | 830                 |
| conflicting claims, how treated                    | 1176            | for roads, ditches, etc                             | 833                 |
| claimants deeds, how executed                      | 1179            | to levy tax to protect bonds                        | 832                 |
| disposition of unclaimed lands..                   | 1180-1188       | road and bridge tax                                 | 1272                |
| proceeds, how applied                              | 1186, 1187      | not to have interest in contracts, etc.             | 837                 |
| <b>TOWNSHIP ASSESSOR</b> (See Assessor             |                 | to deliver books to successors                      | 816-819             |
| -Townships-Offlcers.)                              |                 | are judges of elections                             | 1442                |
| <b>TOWNSHIP CLERK</b> (See Townshipofficers.)      |                 | highways-general duties pertaining to               | 1264, 1265          |
| <b>TOWNSHIP JUSTICE OF THE PEACE</b>               |                 | meetings to estimate labor and tax                  | 1270, 1271          |
| (See Townships-Justices of the Peace -Ofcers.)     |                 | assessment. of tax                                  | 1272, 1273          |
| <b>TOWNSHIP MEETINGS</b> (See Townships.)          |                 | laying out, altering and discontinuing              | 1296-1305           |
| <b>TOWNSHIP SUPERVISORS</b> (See                   |                 | town line roads                                     | 1306-1310           |
| Towns hips-Ofcers.)                                |                 | public cartways                                     | 1311, 1311,1312     |
| <b>TOWNSHIP TAXES</b> (See Townships.)             |                 | county roads.o be opened, when...                   | 1318                |
| <b>TOWNSHIP TREASURER</b> (See Townships-Ofcers.)  |                 | awarding damages for roads                          | 1323                |
| <b>TOWNSHIPS</b>                                   | 704-710         | for ditches   | 1331                |
| boundaries, how fixed                              | 704             | appeals from award                                  | 1324-1328           |
| already fixed remain unchanged                     | 710             | appointment of supervisors ....                     | 1267, 1267,1268     |
| name of, how determined                            | 706, 706,709    | may cause removal of fences, when                   | 1305                |
| and boundary to be reported to territorial auditor | 705, 709        | prosecute for obstructions of                       | 1329                |
| by laws  | 735, 736, 745   | ditches for draining highways. .                    | 1335-1341           |
| corporate powers                                   | 711, 711,712    | arrango with trustees of city or                    |                     |
| actions by or against, how conducted.              | 804-812         | town for line road                                  | 1343-1315           |
| judgments against, how satisfied                   | 811, 811,812    | decisions, appe,ls from                             | 110, 1324-1328,1344 |
| execution against, when                            | 811             | may procure field note                              | 1346, 1347          |
| charges, what are                                  | 813             | may improve streets in incorporated town, when      | 773                 |
| how levied and collected                           | 814             | duties, pertaining to selecting jurors              | 453.459             |

# INDEX.

|   | Section.         |   | Section.        |
|---|------------------|---|-----------------|
| <b>TOWN SHIPS</b> -supervisors-duties pertaining- <i>Continued.</i> |                  | <b>TOWNSHIPS</b> -justice of the peaceoath- <i>Continued.</i> |                 |
| establishing public libraries (SeeLibraries.)                       | 1142-1148        | filed with clerk of district court....                        | 740             |
| establishing drains (See Drainage.)                                 | 2047-2078        | term of office  | 754             |
| issuing bonds for   | 2080-2089        | member of board of appointment...                             | 752             |
| contracts and survey for grading,ditching, etc                      | 2086, 2087, 2089 | issue warrant for removal of nuisance                         | 761             |
| assessments for artesian well (SeeArtesian Wells.)                  | 2115-2121        | TAxEs-levied by town meeting                                  | 716             |
| destruction of noxious weeds (SeeNoxious Weeds.)                    | 2409             | limited....   | 829             |
| CLERK-gives notice of town meetings                                 | 714, 718         | to pay bonded debt  | 832             |
| calls meetings to order   | 720              | how collected   | 815             |
| posts by laws   | 736              | for roads and bridges   | 1272, 1272,1273 |
| calls meetings of supervisors                                       | 796              | delinquent road, how collected                                | 1291            |
| may administer oaths  | 776              | BONDS-supervisors may issue for roads, ditches, etc           | 833-836         |
| may appoint deputy  | 777              | proceeds, used how  | 834             |
| keeps records of all proceedings                                    | 778              | to be paid into town treasury                                 | 836             |
| notifies clerk of court of election of constables                   | 780              | to be recorded  | 835             |
| of justice of the peace   | 781              | POUNDS-to be established                                      | 716             |
| neglect a misdemeanor   | 782              | may be discontinued, when and how                             | 827             |
| notifies county clerk of tax levy                                   | 815              | poundmaster-appointed at annual meeting                       | 826             |
| prepares delinquent road tax list                                   | 1291             | duties and fees....   | 828             |
| notifies road overseer of appointment                               | 1268             | to file acceptance of office                                  | 749             |
| furnishes road overseer with tax list.                              | 1274             | <b>TRADE</b> -contract in restraint of, how                   | 3583-3585       |
| to make out delinquent road tax list                                |                  | far allowed   |                 |
| for county clerk or auditor   | 1291             | <b>TRADE MARKS</b> -definition of                             | 6616            |
| to give notice of establishment of                                  |                  | subjects of ownership   | 2676            |
| ditch for draining highway  | 1336             | what may be appropriated as                                   | 3199            |
| countersigns township bonds   | 835              | implied warranty of   | 3636            |
| reports statistics to commissioner of immigration                   | 114              | forgery or counterfeiting                                     | 6612            |
| duties pertaining to selection of jurors                            | 452, 454         | keeping die of  | 6613            |
| duplication of lost bonds (SeeBonds.)                               | 1684-1687        | selling goods bearing counterfeit                             | 6614            |
| land drainage (See Drainage.)                                       | 2047-2078        | colorable imitations of                                       | 6615            |
| issuing land drainage bonds ....                                    | 2084, 2085       | refilling bottles bearing                                     | 6619            |
| assessment for artesian wells (SeeArtesian Wells.)                  | 2115-2124        | keeping bottles with intent to refill....                     | 6620            |
| <b>TREASURER</b> -bond and approval                                 | 743              | complaint and search for                                      | 6621            |
| filed with register of deeds  | 744              | (See Manufacturers.)  |                 |
| term of office  | 750              | <b>TRANSCRIPT</b> -of judgment injustices'                    |                 |
| vacancy, how filled   | 752              | courts (See Justices' Courts.)                                | 6110            |
| duties in general   | 783-788          | <b>TRANSFER</b> -defined                                      | 3222            |
| compensation  | 785              | subject to law of contracts                                   | 3223            |
| annual statement to board   | 786              | what maybe subject of   | 3224            |
| duplicate to county clerk or auditor                                | 786              | mode of   | 3227-3234       |
| penalty for neglect   | 787              | oral  | 3227            |
| registry of warrants  | 788              | written (See Grant.)  | 3228            |
| calling bonds for payment   | 1681-1683        | effect of   | 3242-3244       |
| duties pertaining to land drainage bonds ..                         | 2084, 2085       | to vest title in transferee                                   | 3242            |
| AssEssoR-how governed (See Assessor-Assessment                      |                  | upon incidents of things transferred.                         | 3243            |
| and Taxation.)....  | 789              | in favor of stranger  | 3244            |
| appointed by county auditor or county clerk when                    | 754              | of real property (See Grant.) effect of                       | 3248-3254       |
| compensation ....   | 799              | passes title to highway in certain cases                      | 3252            |
| paid out of township treasury                                       | 789              | attornment by tenant unnecessary upon                         | 3253            |
| term of office  | 750              | in unorganized counties, where recorded                       | 3273            |
| to deliver books, papers, etc., to successor                        | 816-819          | of personal property  | 3255-2267       |
| to certify annual assessment to school corporation                  | 1792             | when must be in writing                                       | 3255            |
| to give notice of meeting of board of review                        | 798              | by sale, etc  | 3256            |
| to make list of persons liable to military duty                     | 1918             | when the title passes under                                   | 3257, 3258      |
| JUSTICE OF THE PEACE-powers and jurisdiction                        |                  | when gives buyer better title than seller had ...             | 3259            |
| (See Justice of the Peace.)   | 740-742          | by gift, defined (See Gift.)                                  | 3260            |
| oath and bond   | 740              | recording (See Recording.)                                    | 3268-3297       |
|   |                  | unlawful and fraudulent                                       | 3298-3304       |
|   |                  | intended to defraud purchasers, etc., void                    | 3298            |
|   |                  | exception against party having notice                         | 3299            |
|   |                  | exception in favor of purchaser, etc., under                  | 3302            |
|   |                  | of land adversely possessed.                                  | 3303            |

# INDEX.

|  | Section.              |  | Section.  |
|--|-----------------------|--|-----------|
| <b>TRANSFER-unlawful-Continued.</b>                      |                       | <b>TRIAL-in criminal actions-Continued.</b>        |           |
| intended to defraud creditors, etc., void                | 4656                  | argument restricted                                | 7375      |
| certain transfers presumed to be                         | 4657                  | defendant is presumed innocent                     | 7376      |
| when creditor can avoid                                  | 4658                  | conviction for lowest degree when there is a doubt | 7377      |
| question of fraud in respect to, one of fact             | 4659                  | defendants-tried separately                        | 7378      |
| when revocation of, implied                              | 3300                  | as witnesses for prosecution                       | 7379      |
| of obligations   | 3440-3450             | when evidence is insufficient to convict           | 7380      |
| of burden of   | 3440                  | may be competent witness                           | 7381      |
| of right arising out of                                  | 3441                  | discharged if offense is not punishable by law     | 7395      |
| non-negotiable instrument by indorsement                 | 3442                  | may be committed during trial                      | 7407      |
| with land (See Covenant.)                                | 3443-3450             | court may advise jury to acquit....                | 7396      |
| loan for use does not operate as                         | 3699                  | rules of evidence same as in civil cases           | 7382      |
| for exchange operates as                                 | 3712                  | proof of overt act necessary in conspiracy         | 7383      |
| of interest insured, effect of, upon insurance           | 4113                  | testimony of accomplice must be corroborated       | 7384      |
| does not policy  | 4148                  | false pretense - what necessary to convict         | 7386      |
| transfer   |                       | when offense appears to be of                      |           |
| agreement not to make, after loss under insurance, void  | 4154                  | higher nature than is charged,                     |           |
| lien cannot operate as                                   | 4330                  | proceedings may be suspended...                    | 7387      |
| by way of security, is mortgage or pledge                | 4348                  | does not constitute former acquittal               | 7388      |
| of possession not necessary to mortgage                  | 4346                  | new indictment not found, court                    |           |
| necessary to pledge                                      | 4394                  | may proceed under old                              | 7389      |
| of personal property by way of security is pledged       | 4393                  | must not be delayed by writ of habeas corpus       | 7847      |
| <b>TRANSIT-stoppage in</b>                               | 4451                  | prisoner maybe held when jurisdic                  |           |
| when at an end   | 4453                  | tion belongs to another county or state            | 7391      |
| property in,where presumed to be located                 | 4381                  | bail may be allowed                                | 7392      |
| <b>TREASON-power of legislature upon conviction for</b>  | 7597                  | records sent to county                             | 7392      |
| governor may stay execution in and report to legislature | 7597                  | discharged if no warrant issued....                | 7393      |
| petit, abolished   | 6410                  | warrant issued-proceedings                         | 7394      |
| <b>TREE PLANTING-bounty for ....</b>                     | 7405-2407             | jury-maybe discharged when jurisdiction fails      | 7390      |
| proceedings to obtain                                    | 2406                  | may view place where offense was committed         | 7397      |
| territorial auditor to issue warrants for                | 2407                  | conduct and custody of                             | 7399      |
| on highways, when  | 1236 1236,1237        | admonished by court                                | 7400      |
| <b>TREES-on border of land, to whom belong</b>           | 2785, 2785,2786       | charge to, requisites of                           | 7405      |
| damages for injuries to                                  | 4611                  | may decide in court or retire for deliberation     | 7406      |
| <b>TRESPASS-gives trespasser no title to property</b>    | 3219                  | formation of (See-fury.)                           | 7322-7335 |
| damages for  | 4611                  | juror-having knowledge of offense must so declare  | 7398      |
| of animals   | 2281, 6569-5576       | taken sick   | 7400      |
| who liable for, and extent                               | 5579                  | issues of fact arise, how                          | 7319      |
| person sustaining damage by, retains                     |                       | how tried  | 7320      |
| custody of until reimbursed                              | 5572                  | defendant must be present in trial for felony      | 7321      |
| <b>TRIAL-IN CIVIL ACTIoNs-defined</b>                    | 5031                  | murder-mitigation-burden of proof                  | 7402      |
| issue-of law-first                                       | 5030                  | bigamy, proof of                                   | 7403      |
| by the court or judge                                    | 5032, 5033, 5065-5070 | forgery, proof of                                  | 7404      |
| of fact-by jury unless                                   | 5032                  | suspended when defendant is found insane           | 7566-7568 |
| before a single judge                                    | 5033                  | may be postponed for cause                         | 7336      |
| may be by referee  | 5071-5078             | place of...  | 7096-7112 |
| in county in which plaintiff may designate, when         | 4890                  | in prosecution for prize fighting....              | 6690      |
| of question of fact not at issue                         | 4832                  | for the removal of officers                        | 7090      |
| place of (See Place of Trial.) mode of                   | 5027-5036             | in probate court                                   | 5957      |
| conduct of   | 5047-5059             | in J ustices'courts (See Justices'Courts.)         |           |
| postponement of-costs                                    | 5199                  | <b>TRUST-voluntary, defined</b>                    | 3912      |
| <b>IN CRIMINAL ACTIONS</b>                               | 7370-7408             | involuntary, defined                               | 3913      |
| order of ..  | 7370                  | parties to, defined                                | 3914      |
| when for felony  | 7370                  | who deemed trustee                                 | 3915      |
| may be changed   | 7371                  | for what object maybe created                      | 3916      |
| court directs the law                                    | 7372                  | voluntary, how created as to trustor...            | 3917      |
| in libel, jury determines law and fact                   | 7373                  | as to trustee                                      | 3918      |
| in other cases jury decides the fact.                    | 7374                  |  |           |

# INDEX.

|   | Section.    |   | Section.               |
|---|-------------|---|------------------------|
| <b>TRUST-Continued.</b>                                   |             | <b>TRUSTEE-Continued.</b>   |                        |
| involuntary, how created                                  | 3919        | cannot act without co-trustee                                     | 3947                   |
| obligations of trustee under                              | 3921-3932   | discretionary power of, how controlled                            | 3948                   |
| (See Trustee.)  |             | rights of   | 3949-3951              |
| obligations of third persons in respect to ...            | .3933, 3934 | to compensation for expenses                                      | 3949                   |
| money, when third persons bound to see                    |             | for services  | 3950                   |
| to application of   | 3934        | under involuntary trust   | 3951                   |
| for benefit of third persons, defined....                 | 3935        | office of, how vacated  | 3954                   |
| how created   | 3936        | how discharged  | 3955                   |
| when court, etc., trustor in                              | 3937        | how removable   | 3956                   |
| how declared  | 3938        | appointment of new  | 3957                   |
| trustee under, obligations of                             | 3940-3945   | survivorship of   | 3958                   |
| powers of   | 3946-3948   | district court, when  | 3959                   |
| rights of   | 3949-3951   | of real property, existing estate of, not divested                | 2792                   |
| succession of new   | 3957-3959   | takes no estate in certain cases                                  | 2793, 2796, 2799, 2801 |
| .See Trustee.)  |             | must execute release, when  | 2793                   |
| termination of  | 3952-3956   | whole estate vested in  | 2804                   |
| how extinguished  | 3952        | when grant to, to be deemed absolute                              | 2809                   |
| when revocable  | 3953        | acts of, in breach of trust, void                                 | 2810                   |
| interest in, how transferable                             | 3255        | estate of, ceases when  | 2811                   |
| powers in (See Powers.)                                   | 2801, 2803  | of power (See Power.)   |                        |
| power of sale under mortgage is in                        | 4354        | of corporation (See Corporation.) partner is                      | 4036                   |
| property held in, specific delivery, of enforced          | 4626        | insurance by, how to be made                                      | 4144                   |
| performance of, maybe specifically enforced               | 4627        | regulations concerning railroad stock..                           | 2979                   |
| breach of, may be prevented by injunction                 | 4649        | may sue without joining beneficiary...                            | 4872                   |
| (See Beneficiary - Trustee - Trusts in heal               |             | joinder of claims in action against                               | 4932                   |
| Property.)  |             | may be adjudged to pay costs, when...                             | 5201                   |
| <b>TRUSTEE-defined</b>                                    | 3914        | guilty of embezzlement, when                                      | 6799                   |
| who is deemed   | 3915        | (See Trust.)  |                        |
| trust, how created as to                                  | 3918        | <b>TRUSTEES OF PUBLIC PROPERTY</b>                                | 127-136                |
| involuntary, wrongful holder of thing.                    | 3919        | of whom composed  | 127                    |
| fraudulent, etc., gainer of thing                         | 3920        | to submit estimates biennially for expense of territorial offices | 128                    |
| obligation of   | 3921-3932   | commissioners- three appointed by governor                        | 129                    |
| must act in the best of faith....                         | 3921        | bond and oath   | 130                    |
| may not take advantage of beneficiary                     | 3921        | may re-appraise capital lots                                      | 131                    |
| use trust property for any but trust purposes             | 3922        | may advertise lots for sale                                       | 132                    |
| take part in transaction in which he has adverse interest | 3923        | deeds how executed  | 133                    |
| except by special permission                              | 3923        | to deposit money to credit of territorial building fund           | 134                    |
| use influence to obtain advantage from beneficiary        | 3924        | expenses, how paid  | 135                    |
| undertake adverse trust                                   | 3925        | old capitol commission discharged                                 | 136                    |
| acquiring adverse interest must inform beneficiary        | 3926        | (See Officers.)   |                        |
| may be removed  | 3926        | <b>TRUSTS IN REAL PROPERTY-limited to those specified</b>         | 2789                   |
| guilty of fraud, when                                     | 3927        | when legal estates  | 2791                   |
| advantage obtained by, presumed to be fraudulent          | 3928        | existing, heretofore, not affected                                | 2792                   |
| mixing trust fund with his own, how liable                | 3929        | for simple use of another, void                                   | 2793                   |
| misusing trust fund, how liable .                         | 3936, 3931  | trustee under, must release                                       | 2793                   |
| responsible for acts of co-trustee, when                  | 3932        | by operation of law, not affected                                 | 2794                   |
| when person acquiring trust property becomes              | 3933        | must be in writing ..   | 2795                   |
| payment to, when sufficient                               | 3934        | resulting not to prejudice purchasers, etc                        | 2707                   |
| assent of trustor and, creates trust                      | 3936        | express for what purposes allowed                                 | 2798                   |
| appointed by court, etc., who is trustor of               | 3937        | devise creating, when deemed only a power                         | 2799                   |
| must fulfill purpose of trust                             | 3940        | when liable to creditors  | 2800                   |
| must obey declaration of trust                            | 3940        | when no estate vests under  | 2801, 2801, 2802       |
| must use ordinary care and diligence..                    | 3941        | vest whole estate in trustees                                     | 2804                   |
| must procure trustworthy successor upon discharge         | 3942        | author of, may prescribe to whom estate shall belong              | 2805                   |
| must invest trust fund, how                               | 3943        | estate of devisee, subject to                                     | 2806                   |
| must pay interest, when                                   | 3944        | estate left in author of  | 2807                   |
| cannot enforce certain claims against trust fund          | 3945        | powers over, of beneficiaries                                     | 2808                   |
| powers of   | 3946-3948   | when void against creditors, etc                                  | 2809                   |
| general agent for trust property                          | 3946        | expressed in creation of estate, acts in breach of, void          | 2810                   |
| authority of  | 3946        | when to cease   | 2811                   |
|   |             | <b>TRUSTOR-defined</b>  | 3914                   |
|   |             | trust, how created as to  | 3917                   |

# INDEX.

|  | Section       |   | Section.        |
|--|---------------|---|-----------------|
| <b>UNIVERSITY OF DAKOTA-Continued.</b>               |               | <b>TRUSTOR-Continued.</b>                                 |                 |
| objects of, etc                                      | 280           | court, when deemed  | 3937            |
| sectarian control prohibited                         | 281           | declaration of trust by, defined                          | 3939            |
| directors-appointment                                | 282, 283      | must be obeyed  | 3940            |
| meetings of  | 285           | cannot revoke trust, when                                 | 3953            |
| duties of in erection of buildings                   | 287           | <b>TUNNEL CORPORATIONS</b> (See Corporations.)            |                 |
| make rules and appoint officers and professors       | 290           | <b>UNCERTAINTY</b> -how interpreted...                    | 3564-3569       |
| annual report of to governor                         | 303           | to whom imputed   | 3569            |
| report of-to superintendent of public instruction    | 294           | <b>UNCLAIMED PROPERTY</b> -sale of                        | 3852            |
| receive only actual expenses for services            | 295           | <b>UNDERTAKING-IN APPEAL</b> -from district court         | 5218-5232       |
| mileage of   | 309           | from justice's court (See Justice's Court.)               |                 |
| executive committee to audit claims.                 | 286           | <b>IN ARREST AND BAIL</b> -plaintiff's, conditions of     | 4948            |
| secretary and treasurer-election of...               | 288, 288, 289 | s defendant's, conditions of                              | 4953            |
| salaries of, how fixed                               | 290           | sheriff accepts at his peril                              | 4967            |
| bond of treasurer-by whom approved.                  | 289           | must serve copy on plaintiff                              | 4958            |
| departments and degrees                              | 284           | plaintiff's exceptions to sureties ....                   | 4958            |
| courses of instruction                               | 306, 307      | sureties to justify, how .....                            | 4959            |
| president of-powers                                  | 304           | to be filed with clerk of district court                  | 5340            |
| report of to directors                               | 293           | <b>IN ATTACHMENT</b> -plaintiff's, conditionsof           | 4996            |
| salary of president, professors and teachers         | 311           | to prosecute claims attached                              | 5007            |
| how fixed  | 290, 290, 296 | defendant's, conditions of                                | 5010            |
| pupils-who may become                                | 307           | must be filed with clerk of district court                | 5010            |
| tuition fee for law and non-resident..               | 308           | plaintiff's exceptions to sureties                        | 5010            |
| superintendent of public instruction countersigns    |               | lienor's, conditions of                                   | 5011            |
| normal certificate                                   | 307           | to be filed with clerk of district court                  | 5340            |
| expenditures for apparatus, library, etc             | 291           | <b>IN CLAIM AND DELIVERY</b> - plaintiff's, conditions of | 4975            |
| collection of cabinets, etc                          | 292           | sheriff-liaible when                                      | 4976            |
| liquor-sale of near                                  | 2233-2238     | may retain possession of property until                   | 4978            |
| <b>UNIVERSITY OF NORTH DAKOTA</b> (at Grand Forks.)  | 297-311       | must serve copy of, on defendant                          | 4975            |
| location of  | 297           | defendant's exceptions to, and justification of sureties  | 4976            |
| objects of   | 305           | sheriff must deliver to defendant                         | 5340            |
| courses of instruction                               | 306           | of defendant, conditions of                               | 4977            |
| regents-appointment of                               | 298           | sheriff liaible as surety, when                           | 4978            |
| powers and duties of                                 | 299, 299, 301 | may hold property until                                   | 4978            |
| compensation   | 309           | notice to plaintiff of defendant's                        | 4978            |
| meetings of-quorum                                   | 300           | sureties must justify                                     | 4978            |
| may expend funds                                     | 302           | of defendant, to be delivered to of plaintiff             | 5340            |
| to make report annually to governor                  | 303           | plaintiff, to indemnify sheriff against third claimant    | 4982            |
| president and secretary of-board of duties           | 299           | in injunction-conditions                                  | 4988            |
| government of  | 301, 301, 310 | in execution of judgment on-exemptions limited            | 5140            |
| president, professors, etc.-appointment of           | 301           | of witnesses-for appearance                               | 7181-7186       |
| salaries   | 311           | (See Bail.)   |                 |
| erection of buildings and purchase of apparatus, etc | 302           | <b>UNDUE INFLUENCE</b> -defined                           | 3510            |
| other colleges may become branches of, when          | 302, 304, 305 | will procured by, may be denied probate ...               | 3367            |
| pupils, who may become                               | 307           | contract procured by, voidable                            | 3500-3503, 3589 |
| tuition fee  | 308           | thing gained by, held in trust                            | 3920            |
| <b>UNLAWFUL</b> -what is                             | 3577          | ground for contesting will                                | 5671            |
| condition, void                                      | 2714, 3434    | <b>UNITED STATES</b> -may include District                |                 |
| alternative, in contract, effect of                  | 3439          | of Columbia and territories                               | 4807            |
| consideration, when contract avoided                 | 3533          | attorney-to act as member of territorial board of         |                 |
| transaction, nothing can be recovered back upon      | 3601          | canvassers, when  | 1474            |
| contracts (See Contracts.)                           | 3577-3586     | commissioner-may take depositions..                       | 5285            |
| rescission of, may be adjudged, when                 | 4641          | prisoners-to be received by jailers ....                  | 7826            |
| transfers (See Transfer - Fraudulent Instruments.)   |               | by warden of penitentiary at Sioux                        |                 |
| assembly-defined                                     | 6680          | Falls (See Penitentiary.)                                 | 7710            |
| punishment for                                       | 6681          | expenses of, how paid                                     | 7822            |
| how dispersed (See Riot.)                            | 7073-7079     | calendar of, when submitted.                              | 7828            |
| <b>UNORGANIZED COUNTY</b> -assessment in             | 1557          | <b>UNIVERSITY OF DAKOTA</b> (at Vermillion)               | 280-311         |
| license for sale of liquors in                       | 2225, 2226    |   |                 |

# INDEX

|   | Section.         |   | Section.                                |
|---|------------------|---|---|
| <b>VENUE</b> Continued.in probate court (See Probate Court.)<br>(See Place of Trial.) |                  |   |   |
| <b>VERDICT</b> -defined   | 4756             | <b>UNORGANIZED COUNTY</b> -Continued. record of transfers in, |   |
| <b>IN CIVIL ACTIONS</b>   | 5060-5064        | where made  | 3273                                    |
| must be in writing  | 5058             | judgment against real property in, to befiled where .....     | 5104                                    |
| signed by foreman   | 5058             | ferry license granted in                                      | 1364                                    |
| how delivered in court  | 5058             | <b>USAGE</b> -defined   | 4753                                    |
| if informal or insufficient, how corrected  | 5059             | meaning of words fixed, by, to be followed                    | 3559                                    |
| must be unanimous   | 5058             | of what place to govern interpretation                        | 3561                                    |
| general and specific, defined   | 5060             | stipulations necessary to conform contract to, implied        | 3570                                    |
| how entered by the clerk  | 5064             | incidents considered necessary by, implied                    | 3571                                    |
| may be vacated by the court   | 5088, 5088,5091  | employe must conform to                                       | 3762                                    |
| in mandamus, clerk to transmit  | 5525             | agent may delegate authority when according to                | 4003                                    |
| must state specific findings  | 5061, 5063, 5457 | <b>USE</b> -loan for (See Loan.)                              | 3698-3709                               |
| findings of referee, a special  | 5077             | of thing deposited, not to be made                            | 3671                                    |
| <b>IN CRIMINAL ACTIONS</b>  | 7417-7438        | of thing lent, what may be made                               | 3704                                    |
| prevented by sickness, disagreement, accident, etc                                    | 7413-7415        | of money (See Interest.)                                      |   |
| return of   | 7417             | of thing hired  | .3731                                   |
| in felony, in presence of defendant.  | 7418             | <b>USES AND TRUSTS</b> (See Trusts in Real Property.)         |   |
| proceedings when jury appear  | 7419             | <b>USURPATION</b> -of office, action for..                    | 5348-5356                               |
| may be general or special   | 7420             | <b>USURY</b> -not allowed                                     | 3721                                    |
| in libel must be general  | 7420             | may be recovered back   | 3723                                    |
| general-form of   | 7421             | railroad corporations cannot plead                            | 2993                                    |
| special-defined   | 7422             | <b>VACANCIES IN OFFICE</b> (See Office.)                      | 1385-1396                               |
| must be written   | 7423             | <b>VACATION OF HIGHWAYS</b> (See Highways.)                   |   |
| form of .....   | 7424             | <b>VALUABLE</b> consideration-defined                         | 4755                                    |
| argument of   | 7425             | <b>VALUE</b> -defined   | 4755                                    |
| judgment on....   | 7426             | rights of purchaser for                                       |   |
| not definite, new trial had   | 7427             | (See Purchaser.)  | 2797, 2809, 2828, 2849, 3293, 3298-3302 |
| degree of guilt-must be found   | 7428             | rights of incumbrancer for                                    |   |
| any, may be found   | 7429             | (See Incumbrancer.)   | 2797, 2809, 3293,3298-3302              |
| not a verdict until accepted and recorded   | 7038             | rights of party acquiring negotiable                          |   |
| when there are several defendants...  | 7430             | instrument for  | 4467-4470,4487,4533                     |
| reconsidered-when   | 7431             | of property, how estimated in assessing damages               | 4612-4615                               |
| when neither general nor special...   | 7432             | <b>VARIANCE</b> -between allegations and proof-when material  | 4934                                    |
| when jury persist in informal verdict   | 7433             | if material, pleadings amended                                | 4934                                    |
| jury may be polled  | 7434             | disregarded when immaterial                                   | 4935                                    |
| to be recorded by the clerk   | 7435             | failure of proof is not                                       | 4936                                    |
| of acquittal, defendant dischargedimmediately   | 7436             | in proof, in arson  | 6723                                    |
| of conviction, defendant committed..  | 7437             | evidence showing greater offense, defendant detained          | 7436                                    |
| acquittal on defense of insanity  | 7438             | acquitted on, verdict must state that fact                    | 7421                                    |
| is ground for new trial, when decidedby lot   | 7450             | <b>VEHICLES</b> -carrier must provide safe..                  | 3839                                    |
| when contrary to law and evidence   | 7450             | must not overload   | 3840                                    |
| in justice's court (See Justice's Court.)   |                  | common carrier must provide sufficient number of              | 3893                                    |
| <b>VERIFICATION</b> -of pleadings   | 4922             | must carry luggage and passengers on same                     | 3892                                    |
| when required   | 4921, 4921,5245  | <b>VENDOR</b> (See Seller-Sale.)                              |   |
| how and by whom to be made  | 4922             | <b>VENUE</b> -in case of sub-division of judicial district    | 419,420                                 |
| of claim in attachment  | 4995             | in case of division of county                                 | 563,564                                 |
| pleadings not to be verified in justice's   |                  | In criminal actions   | 7096-7112                               |
| court except  | 6058             | change of   | 7312-7318                               |
| In forcible entry and detainer, complaint to be                                       | 6076             | by defendant, when  | 7312                                    |
| answer to be verified in certain cases  | 6049,6101        | only one  | 7312                                    |
| <b>VESSEL</b> -defined  | 6967             | proceedings fear  | 7312 7312                               |
| delay in departure of, holder of passage ticket entitled to                           |                  | disposition of defendant on                                   | 7314                                    |
| compensation  | 6863             | by the territory  | 7318                                    |
| landing from before visit of health officer   | 6639             | copy of records and papers sent to other court by clerk       | 7313                                    |
| communication with, when in quarantine  | 6640             | bail may be required  | 7315                                    |
| passenger, overloading  | 6608             | witnesses may be required to give                             |   |
| wilful wrecking of-by officer   | 6821             | undertaking   | 7316                                    |
| by other persons  | 6822             | power of court to which removed....                           | 7317                                    |
| fitting out with intent of  | 6827             | in justice's court (See Justice's Court.)                     |   |
| person navigating, guilty of manslaughter, when                                       | 6453             |   |   |



# INDEX.

|  | Section.        |   | Section.        |
|--|-----------------|---|-----------------|
| <b>VESSEL- Continued.</b>  |                 | <b>WARRANTS- Continued.</b>                               |                 |
| jurisdiction of offenses committed on..                          | 7102            | indorsed when redeemed                                    | 1653            |
| <b>VETERINARY SURGEON</b> -appointed by governor                 | 2320            | when warrant exceeds tax                                  | 1654            |
| general duties   | 2321            | draw ten per cent. interest, when                         | 1667            |
| animals-diseases of, orders quarantine against                   | 2322            | may be funded at eight per cent                           | 1668            |
| orders slaughter of, when  | 2323, 2323,2324 | registration of   | 1671-1680       |
| passing through territory, authority to examine                  | 2328            | (See County-Territorial Warrants.)                        |                 |
| annual report to governor  | 2325            | <b>WARRANT</b> -of attachment                             | 4994, 4997      |
| duties pertaining to destruction of carcasses                    | 2330            | for arrest of judgment debtor                             | 5174            |
| qualification and compensation                                   | 2333            | of arrest-to be issued by magistrate, when                | 7120            |
| selects place where stock shall be quarantined                   | 2336            | form of   | 7121            |
| may appoint deputies   | 2338            | must contain what   | 7122            |
| (See Officers.)  |                 | directed to whom  | 7123            |
| <b>VIEWERS</b> (See Highways, Bridges and Ferries.)              |                 | when issued by judge of supreme or district court         | 7125            |
| <b>VOTERS</b> -qualification of                                  | 1486            | indorsement-when to be executed in another county         | 7126            |
| all shall vote by ballot   | 1451            | what necessary to   | 7127            |
| may be challenged, how   | 1453            | felony charged, defendant taken before magistrate issuing | 7128            |
| judges of election-chosen by, when...                            | 1446            | misdemeanor, defendant taken before any magistrate        | 7129            |
| challenge, when  | 1462            | proceedings when bail is taken                            | 7130            |
| when guilty of perjury   | 1454            | when not taken  | 7131            |
| exempt from service of civil process on election days            | 1483            | when issuing magistrate is absent....                     | 7132            |
| (See Election.)  |                 | delay prohibited  | 7133            |
| <b>WAGES</b> -of minor, when may be paid to him                  | 2618            | when taken before magistrate not issuing                  | 7134            |
| forfeited by dismissal for cause                                 | 3778            | offense triable in another county                         | 7135            |
| apportionment of, on employe quitting for cause                  | 3779            | duty of officer....                                       | 7136            |
| of seaman (See Seaman.)  | 3811-3822       | when offense is a misdemeanor                             | 7137            |
| lien of mate and seaman for                                      | 4445            | must be shown in making arrest                            | 7144            |
| <b>WAGON ROAD CORPORATIONS</b> -may                              |                 | in justices' courts (See Justices' Courts.)               |                 |
| be formed (See Corporations.)                                    | 2897            | <b>WARRANTIES</b> -lineal and collateral, abolished       | 3254            |
| <b>WAIVER</b> -of private rights of person or                    |                 | <b>WARRANTY</b> - defined                                 | 3627            |
| property allowed   | 4700            | not implied in sale except, etc                           | 3628            |
| of objections to offer of performance..                          | 3474            | implied as to title, when                                 | 3629            |
| of performance excuses it, when                                  | 3479            | as to quality on sale by sample                           | 3630            |
| of option as to delivery of goods sold..                         | 3624            | on executory sale   | 3629, 3629,3638 |
| of objections to proof of loss under insurance                   | 4178, 4179      | by manufacturer   | 3634            |
| of demand, etc., before sale of pledge..                         | 4409            | of goods inaccessible to view                             | 3635            |
| of notice of dishonor  | 4509            | of provisions   | 3639            |
| of presentment waives notice of dishonor                         | 4513            | where buyer relies upon seller's judgment                 | 3631            |
| of notice does not waive presentment..                           | 4513            | as to trade mark  | 3636            |
| of protest, effect of  | 4514            | as to other marks on goods                                | 3637            |
| of certain provisions of code allowed..                          | 4571            | on sale of obligation                                     | 3638            |
| of change of place of trial                                      | 4891            | of good will  | 3640            |
| of objections-to complaint                                       | 4913            | on judicial sale .  | 3641            |
| to sureties or ball  | 4958, 4958,4976 | general, how limited                                      | 3642            |
| of jury trial  | 5065,5068       | lineal and collateral, abolished                          | 3254            |
| of witnesses' privilege  | 5314            | covenant of, runs with land                               | 3446            |
| of lien in partition   | 5368            | form of   | 3614            |
| of exception by not taking                                       | 5301            | in insurance generally                                    | 4155-4164       |
| <b>WALL</b> -right of using, may be held as easement             | 2760            | may be express or implied                                 | 4155            |
| <b>WAR</b> -terminates partnership, when....                     | 4056            | no form necessary to constitute                           | 4156            |
| <b>WARD</b> -guardian and  | 2632-2654       | when express, must be in policy                           | 4157            |
| what   | 2633            | may relate to past, present, and future                   | 4158            |
| custody of   | 2642, 2642,2643 | express, defined  | 4159            |
| settlement between guardian and                                  | 2653            | as to future, defined                                     | 4160            |
| (See Guardian.)  |                 | fulfillment of, when excused                              | 4161            |
| <b>WAREHOUSEMAN</b> (See Storage-Depostt-Depositary.)            |                 | violation of material, avoids policy..                    | 4162            |
| <b>WAREHOUSE RECEIPT</b> (See Bill of Lading.)                   |                 | of immaterial, does not prejudice ..                      | 4163            |
| <b>WARRANTS</b> -territorial and county are receivable for taxes | 1598            | of,without fraud, effect of                               | 4164            |
| substitution of, penalty for                                     | 1648            | may be qualified by representation, when                  | 4133            |
| interest on charged separately                                   | 1652            | in marine insurance                                       | 4201-4208       |
|  |                 | implied, of seaworthiness                                 | 4201            |
|  |                 | when complied with  | 4202, 4202,4207 |
|  |                 | to what extends   | 4204            |
|  |                 | as to different parts of voyage                           | 4205            |
|  |                 | delay in repairing, breach of                             | 4206            |
|  |                 | express, of neutrality, etc., effect of..                 | 4208            |

# INDEX.

|  | Section.         |   | Section.   |
|--|------------------|---|------------|
| <b>WARRANTY-Continued.</b>                                     |                  | <b>WILL-Continued.</b>                                    |            |
| agent to sell has power to give                                | 3985             | of separate estate, married woman may make                | 3306       |
| auctioneer has power to give                                   | 4008             | procured by fraud, etc., may be denied probate            | 3307       |
| of indorser of negotiable instrument...                        | 4479             | revocation of, obtained by fraud, etc.. may be annulled . | 3307       |
| of title to real property, damages for breach of               | 4584             | what may be disposed of by                                | 3308       |
| to personal property, damages for breach of                    | 4592             | in whose favor may be made                                | 3309       |
| of quality of personal property, damages for breach of .       | 4593             | nuncupative, by whom may be made...                       | 3310       |
| of agent's authority, damages for breach of                    | 4598             | how made  | 3310       |
| <b>WASTE</b> -after execution sale, what is ...                | 5158             | conjoint or mutual . .                                    | 3311       |
| may be restrained  | 5158, 5158,5448  | may be conditional  | 3312       |
| action for, includes what                                      | 5446             | how to be executed and attested                           | 3313       |
| by executor or administrator                                   | 5758             | witness to, must state residence                          | 3315       |
| actions for, by and against                                    | 5862             | person who subscribes for testator must be witness to     | 3315       |
| <b>WATER</b> -by whom owned                                    | 2771             | effect of codicil upon                                    | 3316       |
| land under, by whom owned                                      | 2685, 2685,2782  | made in other state, when valid                           | 3317       |
| right of using, may be held as easement                        | 2760             | void, if not duly executed                                | 3318       |
| public, throwing gas tar into                                  | 6636             | subsequent change of domicile does not affect             | 3319       |
| preservation (See James River-RapidCreek-Red River.)           |                  | may be deposited with probate judge for safe keeping      | 3320       |
| <b>WATER RIGHTS</b> (See Mines and Mining.)                    |                  | deposited, to whom deliverable                            | 3321       |
| <b>WAY</b> -right of, may be held as easement                  | 2760             | by whom, and when, to be opened....                       | 3322       |
| as servitude   | 2761             | lost or destroyed, may be established..                   | 3323       |
| <b>WEAPONS, CONCEALED</b> -carrying, prohibited                | 6658             | revocation of, how made                                   | 3324       |
| <b>WEIGHTMASTER</b> -making false entry...                     | 6713             | how proved  | 3325       |
| <b>WEIGHT</b> -fraudulently increasing, of boxes, barrels, etc | 6653             | by obliteration   | 3326       |
| <b>WEIGHTS AND MEASURES</b>                                    | 2416-2125        | in duplicate ...  | 3327       |
| bushel contains how many pounds                                | 2416             | by subsequent will  | 3328       |
| ton of hay, how many cubic feet and pounds                     | 2417             | subsequent will does not revive prior                     | 3329       |
| perch of mason work, how many cubic feet .                     | 2418             | by marriage of testator, and birth of issue               | 3330       |
| standards of, to be kept by territorial treasurer              | 2419             | of testatrix  | 3331       |
| county commissioner may purchase duplicates                    | 2420             | contract to sell property disposed of by will, is not     | 3332       |
| sealer of-sheriff is   | 2420             | incumbrance upon property disposed of by will, is not     | 3333       |
| may appoint deputies   | 2420             | conveyance, etc., when not                                | 3334       |
| and deputies must give bond                                    | 2420             | when it is  | 3335       |
| sheriff shall test   | 2421             | revokes codicils  | 3336       |
| fees for   | 2421             | child born after making of, takes certain share           | 3337       |
| commissioners may make regulations..                           | 2422             | omission to provide for children, how construed           | 3337       |
| complaint against dealer, proceedings.                         | 2423             | certain dispositions by, not to lapse...                  | 3338       |
| dealer must have, tested                                       | 2424             | witness to, cannot take under                             | 3339       |
| act regulating takes effect on resolution                      |                  | subsequent incompetency of, does                          |            |
| of county commissioners  | 2425             | not prevent probate of                                    | 3341       |
| false-penalty for using  | 2423, 2423,6831  | may succeed to share independent of                       | 3340       |
| retaining, after knowledge of                                  | 6832             | creditor may be   | 3339       |
| may be seized  | 6833             | of property acquired after making be quest                | 3342       |
| may be tested and destroyed                                    | 6834, 6834,6835  | Interpretation of ..                                      | 3343-3377  |
| or tare, stamping  | 6836             | according to intention                                    | 3343       |
| <b>WIDOW</b> -takes property of husband by succession, when    | 3401             | to be confined to written will                            | 3344       |
| entitled to homestead  | 5778             | rules of  | 3345       |
| allotment of property to                                       | 5778, 5779, 5782 | several to betaken together in                            | 3346       |
| separate property, allowance to children                       | 5786             | all parts to be considered; n                             | 3347       |
| <b>WIFE</b> -duress or menace of, avoids con                   |                  | latter part controls                                      | 3347       |
| tract of husband, when   | 3504, 3505       | distinct clause not to be disregarded, in                 | 3348       |
| protection from seduction of                                   | 2531             | in case of doubt  | 3346       |
| contract to procure act of, not specifically enforced .        | 4632             | words to be taken in ordinary sense in                    | 3350       |
| earnings of, not liable for husband's debts                    | 2594             | to be given effect in                                     | 3351       |
| (See Husband and Wife-Married Woman                            |                  | technical,tobe given technical sense in                   | 3353       |
| Coverture.)  |                  | not necessary to  | 3354       |
| <b>WILL</b> -execution and revocation of                       | .3305-3342       | effect of certain, in                                     | 3355       |
| who mavmake  | 3305             | of gift, what to be deemed, in. .                         | 3360, 3361 |
|  |                  | to avoid intestacy  | 3352       |

# INDEX.

|   | Section.        |  | Section.                     |
|---|-----------------|--|------------------------------|
| <b>WILL</b> -interpretation-Continued.of devise, etc.,                      |                 | <b>WITNESS</b> -in judicial proceedingsContinued.        |                              |
| of real or personal property, etc., in                                      | 3356, 3356,3357 | may require fees and mileage in advance                  | 5266,5275                    |
| of residue of same in   | 3358            | change of venue for convenience of..                     | 4891                         |
| as referring to time of death   | 3362            | oath of, form of   | 5276                         |
| devise or bequest to a class  | 3363            | may affirm   | 5276                         |
| directions for conversion   | 3364            | exempt from process, etc., when                          | 5274                         |
| when child born after testator's death takes under                          | 3365            | testimony, three modes of taking....                     | 5277                         |
| mistakes and omissions in, how corrected                                    | 3366            | perpetuation of  | 5317-5322                    |
| declarations of testator cannot vary...                                     | 3366            | death, after examination, effect of...                   | 260,5283                     |
| when devises and bequests of, vest....                                      | 3367            | interpreter, character of, as a                          | 5316                         |
| can be divested   | 3368            | no privilege-in offense against elective franchise       | 6289                         |
| death of devisee, etc., before testator, nullifies disposition of           | 3369            | in case of duel  | 6504                         |
| does not affect interests in remainder                                      | 3370            | gambling .....   | 6593                         |
| conditional devise, etc., in, what is                                       | 3371            | in crimes against public peace                           | 6697                         |
| condition precedent, in, what is  | 3372            | in case of perjury                                       | 6959                         |
| effect of....   | 3373            | perjury-guilty of, summarily committed                   | 6360                         |
| when deemed to be performed   | 3374            | may be bound over to prove                               | 6361                         |
| condition subsequent in, what is  | 3375            | person convicted of, is incompetent                      | 6365                         |
| who take in common under  | 3376            | deceiving, punished how                                  | 6367                         |
| what operates as ademption of legacies of                                   | 3377            | preventing from attending                                | 6370                         |
| legacies of (See Legacy-Legatee)..  | 3378-3398       | giving or offering bribe to                              | 6371                         |
| title to real property not to be affected by, in certain cases              | 3385            | not excused from testifying when                         |                              |
| includes codicil  | 3396            | debt bought or sold illegally                            | 6401                         |
| by what law governed  | 3397            | attendance before coroner                                | 667                          |
| beneficiaries of, liable for debts of testator, when                        | 3398            | injustices courts may be bound over to appear on appeal  | 6181                         |
| effect of, on gift in view of death   | 3266            | IN CRIMINAL ACTIONS-defendant need                       |                              |
| express direction in, necessary to protect from liability for mortgage debt | 4367            | not testify against himself                              | 7037                         |
| probate of (See Probate Court-Executors and Administrators.)                | 5659-5693       | to give undertaking for appearance in district court     | 7181                         |
| resisted proceedings  | 5653            | with sureties  | 7182                         |
| delivery of property to executor under                                      | 5926            | Infants and married women                                | 7183                         |
| forgery of  | 6749            | may be committed when                                    | 7184                         |
| (See Executors and Administrators-Devise.)                                  |                 | sureties required subsequently                           | 7185                         |
| <b>WITNESS</b> -testimony of, privileged, when                              | 2530            | may be required to give bond on change of venue          | 7316                         |
| to grant of real property, when necessary                                   | 3246            | defendant in-play be                                     | 7381                         |
| proof of, when necessary  | 3269            | compelling attendance of (See Subpoena.)                 | 7526-7529                    |
| how made  | 3283, 3283,3284 | depositions (See Depositions in, Criminal Actions.)      | 7540-7564                    |
| death of, etc., how proved  | 3285, 3285,3286 | in probate court (See Probate Court.)                    |                              |
| (See Proof of Instruments.) to will, necessary                              | 3313            | <b>WOLVES</b> -bounty for killing (See Bounty.) .        | 2285                         |
| duties of   | 3315            | WOMAN--hours of labor for                                | 6931                         |
| subsequent incompetency of, does  |                 | may hold office of county superintendent of schools      | 1707                         |
| not prevent probate of will   | 3341            | is legal voter at school meetings                        | 1714                         |
| cannot take under will, when  | 3339            | may serve as executrix                                   | 5697                         |
| may take as much under will as by succession                                | 3340            | as administratrix  | 5710                         |
| IN JUDICIAL PROCEEDINGS-fees of   | 1429            | (See Husband and Wife-Married Wont a- e-W fe. )          |                              |
| who may be, in general  | 5260            | <b>WORDS</b> -interpretation of (See Interpretation.)    |                              |
| parties may be  | 5252-5259       | doubtful, interpretation of                              | 3237, 3344, 3349, 3564, 3569 |
| beneficiary may be examined as  | 5259            | irreconcilable or repugnant                              | 3239,3347,3566-3568          |
| judge may be examined as  | 5315            | to be taken in ordinary sense                            | 3350, 3559                   |
| juror may be examined as  | 5315            | technical, how interpreted                               | 3353, 3353,3560              |
| prisoner may be examined as   | 5272            | to be given some meaning, if possible                    | 3351, 3351,3567              |
| husbands( wife cannot be against each other, except                         | 5260            | totally repugnant to be rejected                         | 3568                         |
| attorneys, clergymen, physicians,   |                 | of a will, to what time refer                            | 3362                         |
| public officers, cannot be, without consent                                 | 5313            | of statutes, how to be understood..                      | 4731, 4732                   |
| means of producing  | 5261-5276       | construction of in criminal pleading                     | 7247,7248                    |
| in supplemental proceedings   | 5177            | of gift-in a will, what deemed                           | 3361                         |
| who may compel attendance of. .   | 5261, 5267      | effect of  | 3360                         |
| punishment or, for contempt   | 5257, 5267      | of inheritance-not necessary to transfer or devise a fee | 3241,3241,3355               |
| may be attached, when ....  | 5268            |  |                              |

# INDEX

|  | Section.        |  | Section.         |
|--|-----------------|--|------------------|
| <b>WORDS-Continued.</b>                                  |                 | <b>WRIT OF ERROR-judgment-Continued.</b>                   |                  |
| of succession-not necessary to transfer a fee            | 3241            | jurisdiction of supreme court ceases on                    | 7525             |
| <b>WORSHIP</b> -corporations for, may be                 |                 | <b>WRITING</b> -defined                                    | 4762             |
| formed (See Corporations.)                               | 2900            | apprentice's indenture must be in                          | 2656             |
| <b>WRECK</b> -involuntary deposit may be made in case of | 3659            | trust in real property must be in                          | 2795             |
| <b>WRECKED GOODS</b> -larceny of                         | 6792            | power concerning real property must be in                  | 2825             |
| defacing marks on, concealing, etc.                      | 6623, 6624      | consent to execution of power must be in                   | 2841             |
| unlawful detention of                                    | 6625            | private communications in, belong to whom                  | 3198             |
| (See Lost Property.)                                     |                 | transfer may be made without, when..                       | 3227             |
| <b>WRIT</b> -defined                                     | 4807            | in, called grant   | 3228             |
| of inquiry of damages                                    | 4919            | of real property must be in                                | 3245             |
| of injunction abolished                                  | 4984            | of ship must be in   | 3255             |
| of attachment (See Attachment.)..                        | 4993-5014       | of trust must be in  | 3255             |
| of execution   | 5110, 5110,5116 | what contracts must be in                                  | 3544, 3615, 3617 |
| of certiorari (See Certiorari.)..                        | 5507            | contract prevented by fraud from being                     |                  |
| of mandamus (See Mandamus.) ...                          | 5517-5529       | put in, may be enforced, when                              | 3543             |
| may be alternative or peremptory ...                     | 5519            | supersedes oral negotiations concerning contract           | 3545             |
| of prohibition (See Prohibition.) ...                    | 5530-5533       | contract in, takes effect, when                            | 3546             |
| of habeas corpus (See Habeas Corpus.)                    | 7839-7857       | intention of parties to, how ascertained                   | 3554             |
| <b>WRIT OF ERROR</b> -in civil actions not necessary     | 5214            | how far disregarded when erroneous.                        | 3555             |
| in criminal actions-who may sue out                      | 7499            | in contract controls printed parts                         | 3566             |
| purpose of..   | 7499            | contract of sale must be in, when. .                       | 3615, 3617       |
| proceedings to obtain                                    | 7500            | agreement modifying liability of common carrier must be in | 3888             |
| title of parties to                                      | 7501            | guaranty must be in  | 4276             |
| obtained by defendant, when                              | 7502            | certain promises to answer for others need not be in       | 4377             |
| by the territory, when                                   | 7503            | mortgage must be in  | 4346, 4346,4384  |
| does not stay judgment in favor of defendant             | 7505            | acceptance must be in                                      | 4530             |
| must be sued out in sixty days                           | 7504            | assignment for benefit of creditors must be in             | 4664             |
| in case of judgment of death, execution stayed           | 7506            | instrument of, how pleaded                                 | 4927             |
| defendant kept in custody                                | 7507            | exhibit of, and admission of genuineness ..                | 5250             |
| execution suspended if commenced..                       | 7508            | inspection and copy of                                     | 5251             |
| return of, by clerk                                      | 7509            | new promise in, to suspend limitation.                     | 4869             |
| must contain bill of exceptions and evidence             | 7510            | consent to trial by court                                  | 5065, 5065,5066  |
| exceptions to charge must be specific                    | 7511            | includes printing  | 6971, 7659       |
| adverse party notified of issuing                        | 7512            | <b>WRITTEN</b> -parts of contract control printed parts    | 3566             |
| certiorari for diminution of record,when granted         | 7513            | <b>WRITTEN INSTRUCTIONS</b> -penalty for injuring          | 6906             |
| dismissal of, for irregularity                           | 7514, 7514,7515 | <b>WRITTEN INSTRUMENT</b> -larceny of..                    | 6788             |
| argument of  | 7516, 7516,7519 | <b>WRONGS</b> -liability of minors, lunatics, etc., for    | 2522             |
| when, ten days' notice                                   | 7516            | of principal for agent's                                   | 3997, 3997,3998  |
| plaintiff in error must furnish copies                   |                 | of agent for   | 4000             |
| of record, bill of exceptions, etc....                   | 7517            | indemnity for, when void                                   | 4264, 4264,4265  |
| failure of either party to appear                        | 7518            | when valid   | 4265             |
| number of counsel heard                                  | 7519            | damages for  | 4600-4607        |
| judgment on, in supreme court. .                         | 7520-7525       | <b>YEAR</b> -defined                                       | 4757             |
| court gives, when  | 7520            | contract that cannot be performed                          |                  |
| power of supreme court                                   | 7521            | with one, must be in writing                               | 3544             |
| reversed without new trial, defendant discharged         | 7522            | three hundred and sixty days deemed                        |                  |
| affirmed, original must be enforced.                     | 7523            | one, in computation of interest                            | 5720             |
| certified copy of, sent to clerk of district court       | 7524            |  |                  |